



**Testimony of the District of Columbia Access to Justice Commission
Regarding Mayor Bowser's Fiscal Year 2021 Budget Request**

**Submission to the Council of the District of Columbia
Committee on the Judiciary and Public Safety**

June 16, 2020

The D.C. Access to Justice Commission appreciates the opportunity to submit this written testimony today in support of the Access to Justice Initiative (“the ATJ Initiative”). As you know, the Commission was created by the D.C. Court of Appeals in 2005 to address the scarcity of civil legal services for low- and moderate-income District residents and to reduce the barriers these litigants face in navigating the civil justice system. The Commission is chaired by Prof. Peter B. Edelman of Georgetown University Law Center and vice-chaired by James Sandman, President-Emeritus of the Legal Services Corporation. Its members include D.C. Court of Appeals and Superior Court judges, past Presidents of the D.C. Bar, Executive Directors of legal services provider organizations, members of the private bar, law school professors, representatives of community-based organizations, and other local leaders.

It is the Commission’s honor to testify in support of the ATJ Initiative, which is under the purview of the Office of Victim Services and Justice Grants (“OVSJG”). OVSJG, led by Director Michelle Garcia, has worked with the D.C. Bar Foundation (“DCBF”) to administer these important funds skillfully and strategically. As Committee on the Judiciary and Public Safety Chair Charles Allen has noted quite compellingly, the provision of civil legal aid to low-income and otherwise vulnerable District residents is and will continue to be an essential part of the District’s response to the COVID-19 public health emergency and will promote principles of equity and justice in the District.

Attached to this testimony you will find a joint written statement from Chief Judge Anna Blackburne-Rigsby of the D.C. Court of Appeals and Chief Judge Robert Morin of the D.C. Superior Court. Also attached is a letter from D.C. Bar Past President Susan M. Hoffman, President Geoffrey Klineberg, and co-signed by 29 Past Presidents of the D.C. Bar. Finally, you will find a collection of statements prepared by ATJ Initiative grantees describing their work in response to the COVID-19 public health emergency and the importance of the ATJ Initiative to their work. (Note: Some grantees have chosen to submit separate written testimony directly to the Judiciary Committee.)

The Commission is extremely grateful to the Mayor and to the D.C. Council for their long-standing support of the ATJ Initiative. We appreciate that the Mayor's proposed fiscal year 2021 budget provides \$10.389 million in funding for the ATJ Initiative, especially given the dramatic impact of the COVID-19 public health emergency on the District's finances. However, given the increased need for a civil legal services' response to COVID-19 in our community, we are seeking your support today for increasing that funding level. Taken together, these budget changes will allow the ATJ Initiative to keep pace with the growing community need for a broad array of civil legal services, as detailed below, and to continue services throughout what is sure to be an extended recovery period:

First, the Mayor's proposed fiscal year 2021 budget represents a \$668,000 decrease from fiscal year 2020 funding due to the removal of one-time funds. We seek your support for restoring those funds, as recurring funds, to ensure the ability of existing programs to retain staff and offer the services needed to meet increased demand stemming from the COVID-19 public health emergency and its fallout.

Second, the Mayor's proposed budget converts \$1,800,000 of fiscal year 2021 funds from recurring to one-time funds. We urge you to convert these funds back to recurring funds. As the Committee is well aware, the ATJ Initiative almost exclusively funds full-time equivalent employees and thus the use of one-time funds inappropriately (and perhaps unintentionally) jeopardizes providers' ability to offer direct services to District residents in need.

Third, as you will see below, the need experienced by our network of civil legal services providers is already great – and projected to grow post-COVID-19. The Council's own actions have created new rights for District residents that will need to be vindicated with the help of civil legal aid providers. As the Committee is well aware, pre-COVID-19, the Commission had requested a significant increase in the ATJ Initiative (from \$11 million to \$19 million) to address the need that existed at that time. While we respect that the Mayor's and now the D.C. Council's ability to identify additional funds is constrained during this budget cycle, we implore the Committee to consider whether there are opportunities to provide additional support for the ATJ Initiative to better and more proportionately serve District residents' fundamental civil legal needs.

Our total funding request for the ATJ Initiative is a *minimum* of \$11.057 million, *at least* level to fiscal year 2020 funding.¹ Chairman Allen noted during the June 1, 2020 OVSJG Budget Oversight Hearing that it would be "short sighted" for the District not to recognize what will be

¹ We are seeking, at *minimum*, to maintain a total of \$11,057,000 for the ATJ Initiative, level funding from the fiscal year 2020 budget. In fiscal year 2020, \$6,257,000 of those funds went to the Access to Justice Grants Program; \$300,000 went to the D.C. Poverty Lawyers Loan Repayment Program; and \$4,500,000 went to the Civil Legal Counsel Projects Program. Taken together, these complementary programs represent an integrated and cohesive investment in access to justice.

on the other side of the COVID-19 public health emergency, and that the “pain will show up in dramatic ways.” He went on to say that the District has a “clear public interest in finding funds to expand resources and protect them as we anticipate this public crisis.”

To that end, our testimony focuses on the role these public funds play in the efforts of the civil legal services network to meet the needs of the District’s low-income community, the increased needs the civil legal services network is already meeting and anticipates as a result of the COVID-19 public health emergency, and how public funding will ensure civil legal services fill their crucial role in ensuring a fair and equitable recovery for all District residents.

The Role of Public Funds in Addressing Access to Justice in the District

Civil legal aid is a critical part of the District’s safety net. Civil legal needs touch the fundamentals of everyday life - the roof over your head (evictions and foreclosures); the stability of your family (child custody, child support, guardianships); personal safety (protection against abuse); and financial sustenance (access to public benefits and unemployment benefits, protection from financial abuse, fraud, scams, and unscrupulous debt collectors, the ability to file for bankruptcy, and the ability to protect your credit report). Adequate legal representation for low-income District residents is integral to shaping a fair and equitable society for our city, something that cannot be taken lightly knowing that the pandemic is already disproportionately impacting the District’s low-income African-American and Latinx populations.

Since fiscal year 2007, the District government has recognized that it should play a role in providing vital financial support to the network of civil legal service organizations that serve low-income District residents. That support has been provided through the ATJ Initiative, which is comprised of three programs:

- The *Access to Justice Grants Program* gives vulnerable District residents a fairer shot at civil justice through access to legal assistance and representation. The program keeps District families in their homes, protects consumers in the marketplace, and increases service access for vulnerable District residents, including the elderly, children, and people with disabilities.
- The *Civil Legal Counsel Projects Program* is a vital tool to help District families remain in their homes. The Program preserves units of affordable housing that might otherwise be lost upon eviction, and by keeping families in their homes, is a cost-effective way to avoid homelessness.
- The funds also support the *District of Columbia Poverty Lawyer Loan Repayment Assistance Program*, a critical tool for recruiting and maintaining a talented, passionate, and diverse corps of legal services lawyers who work and live in the District, through loan repayment assistance.

In December 2019, the Commission released a report titled [Delivering Justice](#) examining how providers have leveraged ATJ Initiative funds in the past decade.² In this report, the Commission also surveyed the legal needs of low- and moderate-income District residents, the barriers they experience in addressing them, and how the District’s community of civil legal services providers has evolved to serve them. The report explains how the circumstances experienced by thousands of low-income District residents – poverty, disability, homeless status, and beyond – increase the likelihood that they will experience civil legal problems and impede their ability to address and recover from them. The report explores the areas where these District residents experience the most need – issues like consumer protection, disability, education, employment, probate, family/domestic violence, housing, immigration, public benefits, and beyond.

The Commission found that providers had leveraged ATJ Initiative funding and other supports through innovations in practice, service delivery, and operations including: the growth of existing practice areas and establishment of new organizations and projects; adoption of diverse and creative practice models; collaboration with partners and engagement of clients; work on systemic advocacy; and staffing changes for sustainability and growth. ATJ Initiative funding has also allowed legal services organizations to multiply the impact of every public dollar invested through the recruitment, training, and support of, and collaborations with, private lawyers performing *pro bono* service in the District.

The report also highlights how access to a lawyer makes a significant difference in District residents reaching fair and favorable outcomes in their legal cases. Studies highlighted in the report show that represented tenants are more likely to avoid an eviction judgment; non-detained immigrants with legal counsel prevail at a far greater rate; and claimants are much more likely to receive benefits when represented by a lawyer.

In addition, [Delivering Justice](#) profiles systemic advocacy efforts that resulted in improvements more broadly benefiting the District’s low-income community, from addressing building-wide housing code violations, to promoting justice-related policy changes, to decreasing the load on medical institutions by combatting health-harming legal barriers through medical-legal partnerships, to increasing language access to legal information and services for low-income limited English proficient and deaf residents, to identifying other systemic obstacles to justice. Civil legal services providers have partnered with the District and Council on numerous efforts, contributing thoughtful insights based on their daily experiences to inform legislation and programs that will benefit District residents.

For the thousands of D.C. residents who currently struggle to address civil justice problems without access to legal representation, the District’s continued public investment in

² The District of Columbia Access to Justice Commission. *Delivering Justice: Addressing Civil Legal Needs in the District of Columbia* (2019), available https://www.dcaccesstojustice.org/assets/pdf/Delivering_Justice_2019.pdf.

the ATJ Initiative means the difference between getting help or going it alone. Last year, its grantees provided referrals and legal assistance to tens of thousands of low-income D.C. residents.

The Civil Legal Counsel Projects Program (“CLCPP”) exemplifies the impact of this work. Through the program, six legal services providers provide free eviction defense legal services to low-income tenants in the District. Funding legal assistance in this area is cost effective because it has the potential to keep families in their home rather than becoming homeless. The funds have increased the presence of free legal services at D.C. Superior Court to help address inequities in representation in eviction proceedings, where the vast majority of landlords (95%) benefit from legal representation, as opposed to the 88% of tenants who go without representation. In 2019 the grantees served 1,744 residents, of whom 48% were from Wards 7 and 8, 68% identified as female, and 86% identified as Black or African American. Yet, this represented only a fraction of the low-income D.C. residents at high risk of evictions even before the COVID-19 public health emergency.

Indeed, even with the effective use of public funds, District legal service providers continue to face a greater demand for services than they can meet due to lack of resources. As detailed in [Delivering Justice](#), despite the current investment in funding civil legal services, we see thousands of District residents with legal problems go unrepresented in civil justice matters – percentages like 83-93% of those dealing with child custody or other family law issues; 75% of those trying to address housing conditions; and 88% of those facing eviction. At the D.C. Office of Administrative Hearings, we see even higher percentages. For example, no party was represented in 88% of student discipline appeals, 86% of appeals related to public benefits determinations, and 91% of disputes concerning unemployment compensation benefits.

Access to Justice funds also play an important role in serving minority and disadvantaged communities and addressing racial disparities. As highlighted in [Delivering Justice](#), even before COVID-19, the burden of unemployment in the District disproportionately affected African-American residents, with the largest black-white unemployment rate gap in the nation. The average wealth of a white family in the District was 81 times the wealth of the average African-American family.³ In a month-long survey conducted in 2014 of requests for legal assistance made to District providers, the majority of people seeking services in all case types (with the exception of immigration/asylum) identified as black or African American.⁴ Given the racial disparities in poverty in the District as well as the intrinsic link between poverty and the need for civil legal services, this should not be surprising. The disproportionate economic and health outcomes the African-American community has seen in the District from COVID-19 only heighten the importance of the availability of civil legal services in promoting racial equity.

³ *Id.* at p. 18.

⁴ *Id.* at p. 26.

Even before the COVID-19 public health emergency, the needs experienced by low- and moderate- income District residents and the urgency of the problems they face were profound and persistent. Organizations were forced to regularly turn away clients with urgent, meritorious cases simply due to inadequate resources. With the health and economic consequences of COVID-19, it is easy to see how legal advocacy for clients in the areas of access to public benefits, unemployment, worker protections, preventing foreclosure and eviction, protecting consumers, and increasing services for the most vulnerable and disconnected will only increase.

Civil Legal Aid Has Been A Critical Service During COVID-19

Access to civil legal aid is an essential part of the District's COVID-19 response and recovery effort. Already-vulnerable District residents are facing a spike in new and unanticipated civil legal problems that will grow as we emerge from this crisis. Access to civil legal aid ensures that residents access the rights and benefits they are entitled to, even in times of great uncertainty.

Due to the District's long-standing investment in civil legal aid, we have a strong network of civil legal services providers that has already mobilized to meet the needs of low-income District residents during the COVID-19 crisis. District residents continue to receive legal help through remote services created by providers in the wake of the crisis. Court-based services like resource and self-help centers were quickly converted to dedicated phone lines. Walk-in clinics have been converted to virtual clinics offering one-on-one advice. However, providers need continued resources to sustain these efforts while also responding effectively and efficiently to the flood of anticipated cases and legal needs that emerge as the public health emergency eases.

In terms of on-the-ground response to COVID-19, providers have been fielding requests for legal information and assistance regarding a flood of unemployment applications and have helped residents without computer access submit claims. In one example, a provider was contacted by an individual with Temporary Protected Status who was laid off by a restaurant due to COVID-related closures. He was unsure whether he was eligible for unemployment benefits and on top of that, was struggling to submit a claim because he did not have access to a computer. The provider answered his questions and helped him file his claim.

Domestic violence legal services providers report an increase in episodes of violence and abuse and know that their clients are placed at-risk by social isolation. One grave concern is that those involved in active domestic violence situations are sheltering in place with their abusers and not in a space allowing them to seek a protection order. For those who have filed protection orders, providers on both sides of cases have participated remotely in hearings to ensure clients' interests are represented. Providers are working on safety planning with clients, increasing ways clients can safely contact them, and have developed COVID-19 checklists to use when contacting

clients to see if they are facing any crisis-related challenges. Providers are also helping clients navigate difficulties with custody exchanges, since services normally in place to manage the dynamics of domestic violence, such as the supervised visitation center, are closed and police stations are not as easily accessible.

Debt and consumer legal services providers have remained open remotely full-time and report an increase in calls by current and former clients who are worried about their financial situation, facing increased and novel COVID-19 scams and frauds or price-gouging, and often confused about the impact of new federal rules and how to protect federal stimulus funds. Providers have mobilized to advocate for policies to impose temporary limits on debt collection practices that would otherwise financially devastate already vulnerable District residents and create a right for D.C. residents not to be penalized by users of their credit reports for late or missed COVID-19 payments, make sure their client populations are aware of these changes, and counsel clients on how to address consumer-related concerns. At the Court's request, pro bono debt collection defense providers are developing a consolidated debt collection hotline.

Employment legal services providers report that particularly vulnerable low-wage workers such as pregnant mothers, individuals with families, and those who may be immunocompromised are seeking legal services as they make decisions about whether they should go to work during the pandemic and if they do, what kinds of accommodations they should expect. One provider has converted its seven walk-in workers' rights clinics to a virtual clinic, with volunteers providing one-on-one legal advice and brief services, often supplemented with staff follow-up advice and service. Workers have sought help with questions about terminations and layoffs due to the pandemic, and failures to pay wages or other benefits using the pandemic as an excuse. Providers have produced materials in English and Spanish about the changes to the District's Unemployment Assistance, Sick Leave, and Family and Medical Leave laws and notices explaining how to get help. Together, providers have advocated for additional protections for low-wage workers, many of which have now become law (e.g., expansion of unemployment insurance, sick leave, Family Medical Leave Act coverage). Providers are working together and with government agencies to collaborate on public trainings on these new procedures.

Family law legal services providers are also seeing an increase in COVID-19 related concerns. Parents with strained relationships are not complying with custody orders due to the pandemic (e.g., children being taken out of the District to shelter in place elsewhere) and are seeking legal guidance on how to respond. The Family Law Assistance Network, a new partnership among three providers, launched a remote legal advice hotline where eligible individuals can call for legal help with questions about custody, child support, parentage, or divorce. At the request of D.C. Superior Court, the group is targeting unrepresented litigants with emergency family law matters while court operations remain limited. Those who represent children have been working remotely to ensure the children they work with are safe and have access to food and distance learning.

Housing is an area of particular concern among legal services providers who report that housing providers are failing to take reasonable steps to protect tenant health during the pandemic. In the wake of D.C. Superior Court's closure, the D.C. Bar Pro Bono Center immediately shifted the Landlord-Tenant Resource Center from a court-based to virtual service, and refers those with urgent housing needs to an attorney of the day for limited scope representation. CLCPP partners also advocated for policies that would impose stays of eviction during the crisis, ensured that the client population was aware of these changes, and counseled them on how to address other housing-related concerns. Providers have also actively engaged with D.C. Court leadership on plans to address the impact of the pandemic on landlord & tenant operations, and have developed a plan to reach tenants in advance of hearings to facilitate broader access to legal help. CLCPP team members have also created a unified phone line for accessing legal help.

Immigration legal services providers have similarly mobilized to serve one of the District's most vulnerable populations. One provider specializing in serving survivors of torture seeking asylum is establishing a HIPPA compliant video line for survivors who need psychotherapy, psychological forensic evaluation, and other clinical services. Providers are using social media to conduct group activities like "Know Your Rights" events and to provide safety updates and information to survivors, and are providing daily, multilingual updates about changes in the asylum process such as new court schedules and asylum office closures.

Public benefits legal services providers report an unprecedented number of individuals seeking information on eligibility for benefits. Many clients report difficulty filling out forms because they do not have access to computers, and thus providers are identifying ways to help facilitate submission. Providers are also working with government agencies, such as the Department of Human Services and the Department of Health Care Finance, to ensure that the client community (for example, those who do not have access to a computer and the internet) can access the new application processes. Several providers have prepared dynamic, regularly updated COVID-19 community resources guides, which include instructions on applying for/keeping benefits in a post COVID-19 world.

The District's one-of-a-kind Community Legal Interpreter Bank, funded by the ATJ Initiative, has been diligently working to respond to the challenges presented by the COVID-19 health crisis and to ensure that services for limited-English proficient and Deaf clients are available to the nearly 170 organizations and law firms that rely on the program for language access so that services can continue with minimal disruptions. The program's specially trained, in-person interpreters continue to be available for assignments and can provide interpretation over the phone and video. The Bank has provided instructions for holding interpreted meetings during this extraordinary time. The Bank's staff have also provided guidance and support to the D.C. Courts in ensuring that its public information is available in multiple languages, including American Sign Language.

Because civil legal service providers work with some of the most vulnerable District populations who may be isolated from other services, providers have also taken on non-legal tasks such as helping families access telemedicine and getting prescriptions delivered, developing tools to link clients to mental health resources, and helping clients locate material resources such as food, diapers, internet, and dehumidifiers and air purifiers for tenants who live in unsafe rental units and can't get repairs done immediately in the pandemic.

Legal service providers have also worked with the D.C. Bar Pro Bono Center to ensure that legal information is available online to serve all District residents. District residents with legal questions about COVID-19 can find up-to-date information on the [LawHelp.org/DC Coronavirus page](https://www.lawhelp.org/dc/coronavirus). LawHelp also hosts a database of District legal services providers and their [operating status](#). The D.C. Bar Pro Bono Center also maintains a 24/7 Legal Information Help Line providing information in Spanish, Amharic, and French, in addition to English, and its Nonprofit and Small Business Legal Assistance Programs are providing extensive assistance to area nonprofits and small businesses.

Civil Legal Services Are Critical to the District's Post COVID-19 Recovery

Providers are also looking ahead and planning for new challenges as courthouses reopen and moratoria in areas like eviction, foreclosure, and debt collection expire. They are anticipating a huge increase in court filings coupled with a greater need for civil legal help as more potential clients than ever meet the financial eligibility requirements for free- or moderate-cost legal services.

Even before the pandemic, a stunning number of District residents navigated our court system without legal representation in the areas where we expect to see case numbers grow exponentially as a result of the pandemic. The number of cases and the number of residents facing these cases without representation will undoubtedly grow as more District residents fall into poverty at rates anticipated to be far in excess of the Great Recession. District residents who prior to this crisis managed to keep their families stable, will now face unfamiliar civil legal needs they will be unprepared to address. If the number of unemployment claims filed thus far is any guide, District workers will face unprecedented challenges and will need help navigating the unemployment and benefits systems from application through the administrative appeals process.

We note that the Mayor's ReOpen DC Advisory Group Report⁵ identified several areas where the need for civil legal services will grow in direct response to COVID-19. For example, under employment concerns for vulnerable populations, the ReOpen DC report lists as a strategy

⁵ ReOpen DC Advisory Group, *Recommendations to the Mayor* (May 21, 2020), pgs. 39-41, available at: <https://coronavirus.dc.gov/reopendc>.

“[i]nvest[ing] in legal aid and resources for the public in advance of increased requests for legal assistance regarding lost benefits.”⁶ Under housing, it lists “protect tenants’ rights, health and safety by prohibiting evictions and unsafe management by landlords.”⁷

Civil legal services providers have also identified areas where civil legal services will be needed to ensure a fair and equitable recovery. Providers anticipate that the need for fraud and debt protections will be particularly acute for undocumented immigrants who do not have access to federal stimulus payments and other financial assistance programs and are at a particularly high risk of scams due to low literacy, isolation, and fear of contact with outsiders. There will be a need for targeted and specialized community outreach and education to the members of the District’s considerable immigrant population to make sure they are aware of their rights and the resources available to assist with legal problems. In terms of consumer and debt issues, with current unemployment projections, the number of households experiencing issues with debt collection will increase dramatically and will lead to an onslaught of consumer and collections cases as community members begin to receive medical bills, collection bills, and lose temporary debt collection protections. Providers therefore further anticipate a tsunami of debt collection and bankruptcy problems related to unpaid credit cards, auto loans, medical bills, student loans, and other bills, and also anticipate a higher volume of cases needing assistance for fraud and scams targeting vulnerable populations. For example, in the last major recession, culminating in early 2009, Federal Reserve data shows that there was an 84% spike in seriously delinquent (more than 90 days past due) credit card accounts.⁸ The problems for D.C. households are likely to be even higher for the foreseeable future.

For related reasons, employment legal services providers also expect an exponential increase in requests for legal assistance regarding: (a) difficulties in applying for, and denials of, unemployment insurance; (b) layoffs and terminations; (c) failures to pay wages due or benefits earned; and (d) exposure of workers to unsafe/unhealthy conditions. The D.C. Office of Administrative Hearings reports that over 900 unemployment insurance appeals have been filed since the public health emergency began – when normally the agency receives an average of 170 per month.

While eviction matters are now stayed, housing legal services providers are very concerned about the onslaught of eviction matters that will come as we emerge from the crisis, both back-logged cases and new cases that will be filed against tenants whose financial circumstances have been impacted by the economic consequences of the pandemic. In an environment where landlords are represented 95% of the time and tenants only 12% of the time, civil legal aid will be critical to even the playing field and ensure that tenants have the ability to

⁶ *Id.* at p. 39.

⁷ *Id.* at p. 40.

⁸ <https://www.federalreserve.gov/releases/chargeoff/delallsa.htm>

present defenses and negotiate terms and payment plans with their landlords that might avoid a devastating eviction. Foreclosures will be another area of increased legal need.

Providers also expect an influx of court filings in domestic violence and family cases. Even during the COVID-19 public health emergency, more than 900 requests for protection orders were filed in D.C. Superior Court between March and May 2020. Filings in May 2020 were 42% higher than in May 2019. The District’s domestic violence hotline is experiencing a higher than normal call volume – in the last two months it has received over 3,000 calls – an average of more than 50 per day – from survivors seeking help with the court filing process and securing emergency services such as housing, relocation, or lock changes. Calls to the D.C. Volunteer Lawyers Project legal helpline have increased 300% post-COVID. Domestic violence legal services providers anticipate that there will be a huge influx of people who need help once their clients can emerge from their homes, and predict that survivors of domestic violence will be much more likely to need help with other civil legal issues such as benefits, employment, and housing. Family law legal services providers anticipate a much higher number of litigants who will seek legal assistance to modify and review child support obligations due to employment changes.

In responding to these needs, legal service providers are valuable partners to the D.C. Courts and D.C. Office of Administrative Hearings in ensuring the effective administration of justice. Providers have already assisted the courts during their COVID-19 closures, engaging with court leadership in planning for reopening and meeting the needs of unrepresented litigants during the closures. This partnership will be extremely valuable in helping the courts manage the significant backlog of existing cases⁹ due to COVID-19 closures as well as the influx of new filings as courts resume operations.

Many of these new cases will involve people who are unfamiliar with the courts and could not imagine just a few months ago that they might be dealing with an eviction or debt collection case. Having civil legal aid available to help litigants get legal information, file cases, and understand the court process relieves the courts of that burden. Having representation can increase out-of-court negotiations and the rate of settlements equitable to both parties, saving courts from multiple hearings and trials. As many matters will continue to be heard remotely for the foreseeable future, civil legal service providers can also ensure that their clients who lack internet access and other resources are still able to participate fully in the process.

Given the overwhelming impacts of COVID-19 on individuals, providers, and government operations, the ability of providers to plan, innovate, reach existing and new clients, respond to

⁹ To give an idea of the scope of this challenge, in the D.C. Superior Court in 2019, there were over 65,000 new filings in civil, domestic violence (non-criminal), family court (non-abuse and neglect and juvenile), probate division, and tax division, along with a pending caseload of over 27,000 cases. District of Columbia Courts 2019 Annual Report – Statistical Summary, at p.5, 7, available https://www.dccourts.gov/sites/default/files/2019_Statistical_Summary.pdf.

emerging legal needs, and collaborate with the courts and administrative agencies are as crucial as ever to ensuring access to justice and public faith in the functioning of the justice system.

The Need for Sustained Public Funding for Civil Legal Services

A sustained, equitable recovery from the COVID-19 public health emergency will depend on the accessibility of civil legal help for the District's most vulnerable residents. Public funding of civil legal aid is a sound investment that benefits the entire District community. Civil legal aid providers are at the ready to continue to serve District residents. However, they are also anticipating a decrease in their other main sources of funding: the private philanthropy of local law firms and declining revenue from the District's Interest on Lawyers Trust Accounts (IOLTA) Program as banks respond to federal interest rate cuts. Providers can sustain their current services and build innovative, cost-effective responses to increased COVID-19 crisis needs only with the financial support of the ATJ Initiative.

The Commission acknowledges and understands that the COVID-19 public health emergency has had a drastic impact on the District's finances and that this has and will continue to lead to difficult funding decisions. However, it is also important to recognize the significant effect the funds have on the broader administration of justice, the well-being of the community, and the public fisc. Civil legal aid will keep those on the brink of homelessness in their homes by defending against evictions or working out reasonable rent payment plans with landlords. Access to legal help will ensure that District residents eligible for local and federally expanded benefit programs can access them fully and avoid mistakes or unnecessary denials. Those vulnerable to consumer and other debt-related concerns, particularly elders and the immigrant population, will need to be protected through legal advocacy. Without the civil legal aid necessary to help District residents navigate these complicated issues and secure these protections, the problems we will face as a community will almost certainly be greater and more expensive for government services to have to address.

Through their work, civil legal service providers also help enforce and strengthen District laws that have been established to protect its residents. Our civil legal services network provides invaluable benefits to the administration of justice by helping our local courts and administrative agencies identify and eliminate systemic barriers that deny unrepresented litigants access to justice and build faith among constituencies in the functioning of the justice system. Protecting program funding will preserve critical resources needed to address the growing need for civil legal help post-COVID among District residents.

The D.C. Council must keep ATJ Initiative funding secure to adequately serve a growing population that is facing significant hardships during this pandemic. We urge the Council to support the funding level proposed by the Mayor with the increases described earlier in this testimony.

Thank you for the opportunity to submit this written testimony about these vital programs. The District's support has helped countless District residents secure the legal assistance they must have to meet vital human needs, like housing, family stability, and public benefits, and in doing so, helps make the District a more just, stable community. These services are more crucial than ever to ensure a fair and equitable post-pandemic recovery for the District's most vulnerable residents. The Commission believes strongly that the District's continued public investment in these sound, effective programs is more important than ever. We are extraordinarily grateful for the Council's – and in particular, this Committee's – leadership in advancing access to justice in the District.

Respectfully submitted,

A handwritten signature in black ink that reads "Peter Edelman". The signature is written in a cursive, flowing style.

Prof. Peter B. Edelman, Chair
D.C. Access to Justice Commission



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ATTACHED STATEMENTS

1. **D.C. Courts** (*Joint Statement from Chief Judge Anna Blackburne-Rigsby and Chief Judge Robert Morin*)
2. **D.C. Bar** (*Letter from Past President Susan M. Hoffman, President Geoffrey Klineberg, and Past Presidents of the D.C. Bar*)
3. **Advocates for Justice in Education** (*Stacey Eunnae, Senior Staff Attorney*)
4. **Amara Legal Center** (*Llamillet Gutierrez, Executive Director*)
5. **Bread for the City** (*George A. Jones, Chief Executive Officer*)
6. **Children's Law Center** (*Judith Sandalow, Executive Director*)
7. **Christian Legal Aid of D.C.** (*Whitney King, Executive Director*)
8. **D.C. Affordable Law Firm** (*Gabby Mulnick Majewski, Executive Director*)
9. **D.C. Bar Pro Bono Center** (*Rebecca Troth, Executive Director*)
10. **D.C. Volunteer Lawyers Project** (*Sara Tennen, Executive Director*)
11. **Disability Rights at University Legal Services** (*Sandy Bernstein, Legal Director*)
12. **Legal Aid Society of the District of Columbia** (*Eric Angel, Executive Director*)
13. **Neighborhood Legal Services Program** (*Karen Newton Cole, Executive Director*)
14. **Quality Trust for Individuals with Disabilities** (*Morgan Whitlatch, Legal Director*)
15. **Rising for Justice** (*Grace Lopes, Executive Director*)
16. **Whitman Walker Health** (*Amy Nelson, Director of Legal Services*)



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**Before the Council of the District of Columbia
Committee on the Judiciary and Public Safety**

**Joint Statement of Chief Judge Anna Blackburne-Rigsby, District of Columbia
Court of Appeals, and Chief Judge Robert Morin, Superior Court for the District of
Columbia**

FY 2021 Access to Justice Initiative Funding

We are pleased once again to write in support of the Access to Justice Initiative. As Chief Judges of the District of Columbia Courts, we are confronted every day by the serious civil justice gap that persists in our community. With the effects of the COVID-19 pandemic, we expect to see this gap widen. The DC Courts remain committed to providing equal access to justice for every resident of the District of Columbia, despite the addition of the unprecedented challenges posed by the COVID-19 pandemic. Chief among these challenges is the vast number of litigants who have to navigate their cases in both the DC Superior Court and DC Court of Appeals alone because they cannot afford counsel. The DC Courts are committed to providing equal access to all; and the DC Superior Court has established resource centers in all of its divisions and the DC Court of Appeals has created online forms to assist unrepresented litigants in initiating appeals and has provided a short video explaining the appellate process, and an email address for those who wish to contact the court but are not registered for eFiling. However, it is still extremely difficult to achieve this mission when so many litigants are unable to retain counsel.

The DC Courts are deeply committed to expanding access to justice, even at a time when our financial and judicial resources are constrained. Our strategic plan lists access to justice as its #1 goal and outlines a variety of approaches to further that goal, including enhanced self-help services and the use of technology to facilitate access to court services. The DC Courts have a number of initiatives under way already in these areas, such as a court navigator program and the creation of additional interactive forms. However, we know that drastic changes in normal court operations over the past months

in response to COVID-19 mean that accessing the courts looks different than before. This makes ensuring access to justice even more crucial as judges handle cases where the deadlines have been extended or tolled during the pandemic, litigants adapt to more remote proceedings, and operations remain subject to pandemic-related disruptions.

As we are all keenly aware, even the most comprehensive resources available to unrepresented parties are not a substitute for counsel. The legal issues confronted by many litigants are complex and even the most sophisticated litigants struggle to understand the relevant statutes and rules, effectively raise complicated defenses, and present their evidence and arguments persuasively. For the high percentage of litigants who also struggle with additional obstacles, such as mental illness, physical disabilities, low literacy, and histories of domestic violence or trauma, self-representation can seem – and in practice be – impossible. For these litigants, counsel is indispensable. Unfortunately, the pandemic is likely to increase the number of litigants without the financial ability to retain counsel.

We also know that the temporary suspension of normal court operations does not mean that members of the community are not continuing to experience problems that require legal redress or that they won't have needs in the near future as legislative moratoriums are lifted, such as in areas like debt collection, evictions and foreclosures. The DC Courts have remained open. The DC Court of Appeals has continued to decide motions, decide cases, and issue decisions. The DC Superior Court has continued to hold hearings on emergency matters, and having access to counsel for these litigants is even more crucial as they navigate the changes in court procedures made necessary by the COVID-19 pandemic. Access to counsel ensures that litigants continue to be able to access the courts despite changes in operations. Civil legal services organizations also have and will continue to be valuable partners to the courts in planning and providing feedback on operational changes in response to COVID-19 with an eye towards maximizing access to justice throughout. These same providers are currently working closely with the courts to develop ways to affirmatively reach out to litigants to offer access to civil legal services

before hearings even occur, a substitute (and improvement) on the court-based, same-day projects that existed pre-COVID 19.

The Access to Justice Initiative is a fundamental and necessary part of any effort to provide equal justice for District residents facing significant civil legal challenges because it is a critical tool in securing legal representation for thousands of vulnerable District residents who seek redress in our tribunals each year. The funds ensure that countless residents who are in legal crisis have an advocate at their side when the things they most value – their children, their livelihood, their safety, their homes – are at risk. The funds also support a number of essential court-based programs and/or resource centers in areas such as landlord-tenant, debt collection, small claims, child support, family law, and domestic violence. These programs, which have continued to provide remote services during the pandemic, ensure that litigants can access legal information and services either at the time of their hearing or in advance of that hearing. These programs may also assist in obtaining counsel or limited scope representation which has allowed these programs to serve more litigants. Further, we know that the Access to Justice Initiative supports scores of legal services attorneys who every day represent individual litigants in numerous areas of our courts, including some of our most high-volume branches.

As judges, we understand what is at stake for unrepresented litigants, and how difficult it is for them to advocate for themselves, particularly when they find the forum intimidating and the law complex. As a judge, it is deeply distressing to have to adjudicate cases where the lack of counsel inhibits the full presentation of evidence and/or the persuasive presentation of legal arguments. We expect to see even more litigants facing these challenges for the first time as more District residents face financial and legal challenges they could not have imagined a few months ago. The funds provided through the Access to Justice Initiative provide thousands of litigants with pressing legal issues the representation that they need and deserve. We and our colleagues on the bench witness each day the pivotal interventions that occur when legal representation is available to help those most in need.

As Chief Judges, we are also charged with ensuring the fair administration of justice more generally. Public trust and confidence in the courts is absolutely essential to our ability to do our jobs. When those who come to us to enforce their rights and liberties feel that economic disadvantage affects their fair treatment by our courts, it strains the fabric of our justice system and our rule of law-based society. It is crucial that all litigants have – and perceive themselves to have – an equal opportunity to have their cases fairly presented. No matter how much we do institutionally and individually to enhance the experience of unrepresented litigants, the reality is that represented litigants are far more likely to feel that they have been fully and fairly heard by the Court. We simply cannot sustain public confidence in our civil justice system unless all litigants – regardless of income – feel they have this opportunity. As Chief Judges we are also charged with improving the efficiency and operations of our courts. Counsel present cases more efficiently thereby reducing litigant wait times and freeing up judicial resources. They ensure that dispositive issues are raised early in the case, reducing time expended by parties and witnesses while also permitting judges to reach a just result in a timely manner. As the DC Courts continue with adjusted operations due to the pandemic, this efficiency will be even more beneficial to the courts.

The DC Courts are also committed to expanding the level of *pro bono* representation in our courts. The Courts, in partnership with the Commission and the D.C. Bar Pro Bono Center, are pleased to recognize the community of pro bono lawyers who are already serving through the Capital Pro Bono Honor Roll, which honors the crucial *pro bono* contributions of local attorneys. We also want our vast community of private lawyers in the District to do more, and recognize that their efforts will be essential in meeting increased demands as a result of COVID-19. We recognize that any *pro bono* effort depends on a well-funded and stable legal services network to ensure that the cases placed with volunteer lawyers are properly screened, and that these lawyers receive the training, mentoring, and support that they need to take on cases that may be outside their area of expertise. The District enjoys a robust and collegial *pro bono* community, and the legal services community is an essential part of its success.

The vision statement of the District of Columbia Courts is “Open to all, trusted by all, justice for all.” Along with our colleagues on the bench, we are fully committed to achieving this vision. To do that, we need a skilled and resourced legal services network, working full-time to protect the rights of the District’s most vulnerable residents. We are mindful of the many needs the D.C. Council must consider in formulating the FY 2021 budget and deeply appreciate this Committee’s strong and steadfast support of the Access to Justice Initiative. We hope that the Committee will support the highest possible funding level for this vital program.

Thank you for considering our views on this important issue.



The Honorable Anna Blackburne-Rigsby
Chief Judge
District of Columbia Court of Appeals
Columbia



The Honorable Robert E. Morin
Chief Judge
Superior Court for the District of

June 16, 2020



May 20, 2020

Dear Chairman Mendelson and Members of the D.C. Council:

We hope that you and your families are staying healthy and adapting to the many changes that the coronavirus pandemic has brought to our daily lives. We realize that the pandemic presents daily challenges for you as D.C. Council members and appreciate your steady and thoughtful leadership in making difficult decisions.

The District of Columbia Bar and its past Presidents are writing to express their ardent support for the Access to Justice Initiative budget and the advocacy of the D.C. Access to Justice Commission: <https://dcaccesstojustice.org/access-public-funding>. On behalf of the Bar, its leadership, and its members, we would like to express our gratitude to the District government in supporting the Access to Justice Initiative. The D.C. Council deserves special thanks for its leadership in creating and continuing to support this program, which provides critical legal assistance to low-income District residents.

From the moment the pandemic struck this community, our legal services providers have mobilized to pursue courageous and innovative approaches to meet the unmet need for legal services among the District's low-income and most vulnerable communities. They are ensuring that tenants know their rights, helping workers apply for and secure unemployment benefits, keeping survivors of domestic violence safe, ensuring that health-related services remain available despite the shut down, and so much more. None of this work would be possible without the Access to Justice Initiative.

With the expected surge in those falling into poverty as a result of the pandemic and resulting economic downturn, the need for legal services and funding for those services will be even greater as we move into the recovery phase. As courts reopen, we will see more District residents facing eviction and foreclosure, subject to debt collection lawsuits and attempts to garnish their wages and attach their bank accounts, and other civil legal challenges. Once the stay-at-home order is lifted, domestic violence survivors will need help seeking protection, the sheer number of unemployment claims filed will lead to increased need for legal help, and District residents who are worried about public exposure like the disabled, elderly, and children will need legal help more than ever before.

This increased need will be on top of the staggering civil legal need we experienced before the pandemic. According to "[*Delivering Justice: Addressing Civil Legal Needs in the District of Columbia*](#)," a report recently published by the D.C. Access to Justice Commission, "Despite dramatic changes in the economy over the past 10 years, poverty post-recession remains largely the same as it was pre-recession. Nearly 1 in 6 D.C. residents, about 110,000 individuals, live below the Federal poverty line; 32,000 of these residents are children — 26% of D.C. children live in poverty. Even though providers have significantly increased their reach and the volume of clients served, this unrelenting poverty perpetuates the need for civil legal services." The Report further notes the staggeringly high rate of litigants appearing in our courts without a lawyer, which is as high as 97% in some divisions. Significantly, in landlord tenant court in which a judicial determination can mean the difference between maintaining secure housing and becoming homeless, roughly 88% of tenants are unrepresented.

Civil legal services are an integral part of the safety net that government funding provides, particularly in the areas of homelessness prevention and promoting safe families. In addition to funding the dedicated work of civil legal services providers, the funds provided under the Initiative offer loan repayment assistance to those D.C. Bar members who provide these free legal services and who live and work in the District, and through the Community Legal Interpreter Bank, ensure that services are delivered in the client's native language.

This funding also increases the capacity of legal services providers to leverage our members to do *pro bono* work. The D.C. Bar is the largest mandatory bar in the country with more than 110,000 members nationwide and 65,000 members in the D.C. metropolitan area. Meaningful access to justice for every D.C. resident is a core value of the Bar, and providing *pro bono* services is an ethical obligation under our Rules of Professional Responsibility as well as a moral commitment for many members. The D.C. Bar has one of the strongest *pro bono* commitments of any Bar in the country. Indeed, last year, *pro bono* attorneys provided almost 1 million hours of service to *pro bono* clients. Even with this effort, we are falling short of meeting the need for legal services for low-income residents; therefore, the assistance that the Access to Justice Initiative provides is crucial to narrowing the justice gap that exists in our city.

As Bar leaders, we persistently exhort our D.C. Bar members to devote more time to *pro bono* work. In the months ahead, we will press for an even greater *pro bono* commitment in response to the growing need in our community that has accompanied the pandemic. However, in order to fully leverage the potential that *pro bono* services hold, it is essential to have the client screening, training, and mentoring that legal services organizations provide. While I am serving as Bar President this year, in my "day job," I am the fulltime *pro bono* partner at Crowell & Moring, where I have coordinated and overseen the *pro bono* work of our firm's attorneys for more than 30 years. I can attest from first-hand experience that private attorneys cannot effectively help to close the justice gap without the engagement and mentoring from legal services providers which requires significant resources and time on their part. Local firms do provide financial support to the legal services providers to support these efforts, but it is anticipated that declining revenue at firms may result in decreased contributions to providers. Thus, any cuts to the Access to Justice Initiative funding would be devastating given this likely decrease in private philanthropy from law firms and declining revenue from the District's Interest on Lawyers Trust Accounts (IOLTA) Program as banks respond to Federal Interest Rate cuts.

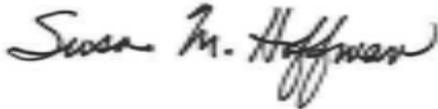
The Council will undoubtedly be considering appropriations for other benefits to assist residents in this time of economic insecurity and job loss such as programs addressing mental health services, housing, unemployment compensation and other necessities. We appreciate the need for and support these direct benefit programs. However, in order to ensure that District residents can fully access these programs and benefits, availability of civil legal services is critical. Legal services attorneys can ensure that those eligible for local and federally expanded benefit programs will be able to access them fully and avoid mistakes or unnecessary denials. Those vulnerable to consumer and other debt-related concerns, particularly elders and the immigrant population, will need to be protected through legal advocacy. Without civil legal aid necessary to help District residents navigate these complicated issues and secure these protections, the problems we will face as a community will almost certainly be greater.

The partnership of a strong legal services provider network, the private bar, and the legal services funding appropriated by the District are all critical components that keep our legal services provider network running. The Access to Justice Initiative funding that the District provides enables full-time legal services attorneys and *pro bono* attorneys to keep families in their homes, to help protect children and families who experience domestic violence, to redress harms suffered by the elderly and other vulnerable populations from predatory lenders and to obtain public benefits for individuals under a range of government programs.

The D.C. Bar is committed to help in the recovery process from the impact of the pandemic on our community and to support residents as they rebuild their lives, understanding that legal services are a necessary component of this process. The Access to Justice Initiative funding will be key to these efforts.

The D.C. Bar thanks the District government for its commitment to helping the communities in our city living in poverty, in recognition of the importance of providing access to justice for the residents of the District of Columbia. I, along with the President-Elect and listed Past Presidents of the D.C. Bar, thank you for your consideration of this letter and our request for support of the Access to Justice Initiative.

Sincerely,



Susan M. Hoffman
President, 2019-2020

Geoffrey M. Klineberg
President-Elect, 2019-2020

Charles R. Work, 1976-1977
Robert L. Weinberg, 1978-1979
Stephen J. Pollak, 1980-1981
Marna S. Tucker, 1984-1985
Philip A. Lacovara, 1988-1989
Sara-Ann Determan, 1990-1991
Jamie S. Gorelick, 1992-1993
Mark H. Tuohey III, 1993-1994
Robert N. Weiner, 1995-1996
Myles V. Link, 1996-1997
Carolyn B. Lamm, 1997-1998
Andrew H. Marks, 1998, 1999
Joan H. Strand, 1999-2000
John W. Nields Jr., 2000-2001
George W. Jones Jr., 2002-2003

John (Jack) C. Keeney, 2004-2005
John C. Cruden, 2005-2006
James J. Sandman, 2006-2007
Melvin White, 2007-2008
Robert J. Spagnoletti, 2008-2009
Kim Michele Keenan, 2009-2010
Ronald S. Flagg, 2010-2011
Darrell G. Mottley, 2011-2012
Andrea C. Ferster, 2013-2014
Brigida Benitez, 2014-2015
Timothy K. Webster, 2015-2016
Annamaria Steward, 2016-2017
Patrick McGlone, 2017-2018
Esther H. Lim, 2018-2019



Advocates for Justice and Education, Inc.

The Parent Training and Information Center for the District of Columbia

Testimony of Stacey K. Eunnae, Esq.
Senior Staff Attorney
Advocates for Justice and Education, Inc.
District of Columbia Council
Committee on the Judiciary
June 8, 2020

My name is Stacey Eunnae and I am a Senior Staff Attorney at Advocates for Justice and Education, Inc. (AJE) and also a D.C. resident. AJE is the federally designated Parent Training and Information Center (PTI) for the District of Columbia. Parents and adult students contact us for advice, guidance and support in understanding and protecting their rights to ensure children have access to an appropriate education. At AJE, we are a small but mighty core staff of six people. Each year, we respond to nearly 800 calls from families in the District, giving them critical information, resources and direct assistance to support their children, D.C. students. In the four cumulative years I have worked at AJE, I have directly assisted hundreds of D.C. families advocating for their children's education by providing services ranging from advice to direct representation in suspension, expulsion and special education hearings. Without the Access to Justice Initiative funding, it would not be possible to serve as many of the D.C. families as we have; however, we need additional support to continue this important work and address the compounding inequities that exist in our public school system.

Legal services are a backbone of this community and has led the charge responsibly for the advancement and growth of so many individual residents and community-based support systems. The COVID-19 pandemic has unearthed for many of us our dependence on certain agencies and institutions functioning to access critical support.

When all residents have access to justice through legal services, we can identify and address dysfunction in a system and gaps in services. For example, in March AJE provided critical assistance to a limited English proficient mother and primary caregiver of a non-verbal, autistic adult child with cognitive disabilities after we learned they were essentially trapped in their home without access to food or necessary supplies. Although this mother qualified to receive free meals DCPS was distributing at different sites around the city and potentially other disability services, she had no way to travel safely and access those meals and she was unable to get assistance on her own despite calling the relevant government agencies.



Advocates for Justice and Education, Inc.

The Parent Training and Information Center for the District of Columbia

On March 30th, two weeks into “stay-home” conditions, I received written confirmation from DCPS that there was not yet a delivery option, and therefore no current plan to get meals to D.C.’s home-bound students. With the help of a Georgetown Law student volunteer, we assisted this parent by connecting her to volunteer-led community resources to ensure she got groceries delivered to her house by the end of the week. Access to civil justice in a community means that no one is left behind or unheard, and therefore we serve as both a check and a balance to ensure that the government is working for everyone both in the short-term and the long-term.

This upcoming 2020-2021 school year is unprecedented and many students and parents do not know what to expect. The rules and scenarios of how things may play out in D.C.’s schools are rapidly changing. During this stay-home phase in the District, AJE has been busy creating new online trainings and virtual resources for parents and students. I anticipate that increasing access to our direct educational services and parent trainings will be more important than ever for D.C.’s families searching for reliable information and support as we enter new phases of social distancing guidelines and economic recovery. Without question, the ATJ Initiative funds enable AJE and AJE’s staff to continue our mission to empower parents and advance the educational outcomes of all D.C.’s students. My hope is that the Committee and Mayor Bowser will view investments in AJE and in all the District’s legal services as an investment in the community itself and a progressive future for all. In summary, we ask you to fully fund the Access to Justice Initiative to demonstrate your commitment to equity and civil justice for all.



To: Chairman Allen, Committee On the Judiciary & Public Safety Budget Hearings
From: Llamilet Gutierrez, Executive Director
Re: Office of Victim Services and Justice Grants (OVSJG) Budget
Date: June 1, 2020

The Amara Legal Center (“Amara”) provides free, high-quality, trauma-informed holistic legal services in the D.C. Metropolitan area to anyone involved in commercial sex work whether that involvement is by choice, coercion, circumstance or necessity. Accordingly, our clients are sex trafficking survivors and sex workers marginalized in society. Amara is the only legal service provider in the District of Columbia whose sole mission is to serve this population. Since its founding in 2013, Amara has provided free legal services to over 500 clients in the District of Columbia. Amara employs a culturally-specific, trauma-informed, multidisciplinary approach to legal advocacy. Toward that goal, we provide full representation, limited scope representation and legal advice in the following matters: criminal defense, civil protection orders, divorce, child custody, child support, victim-witness advocacy, criminal record sealing, expungement and vacatur of criminal records.

Amara’s clients present with histories that include physical and mental neglect and devaluation that has negatively impacted every facet of their lives. As a result, our clients all too often face legal situations that unjustly prevent them from leading lives free of oppression. In the best of situations, navigating the legal system can be challenging but this is especially true for individuals who have experienced trauma. Without access to the free legal assistance that Amara and other stakeholders provide, our clients would be further marginalized by barriers to



employment, housing, higher education, job training and the opportunity to strengthen and reunify their families. These are systemic issues that can only be addressed through trauma-informed legal assistance.

Due to its unique geographic location on the I-95 corridor and close proximity to a number of casinos and professional sports venues, DC is a magnet for sex trafficking. Amara estimates that, annually, roughly 500 individuals seek services due to victimization and harm sex caused by sex trafficking and the commercial industry. However, since most individuals in our client population do not self-identify as victims and do not seek legal, social service or mental health assistance, we can conclude that the actual number of individuals who are in need of our assistance is significantly higher. Undoubtedly, this pervasive lack of access to information and justice has an ongoing, deleterious ripple effect on our entire client population—and particularly on our youth.

Alarmingly, the FBI identified DC as one of 14 cities in the United States with the highest incidents of commercial sexual exploitation of children and, it should not go without mention that, “Black girls, compared to their racial counterparts, are more likely to be trafficked at a younger age. According to the FBI, 57.5% of all juvenile prostitution arrests are Black children.”¹ The vast majority of Amara’s DC clients are Black Americans who reside in Wards 6, 7 and 8— U.S. citizens who were born and raised in the DC Metropolitan area. Given our client demographics, the startling FBI statistics must be recognized and addressed through

¹ <https://www.cbcfinc.org/wp-content/uploads/2020/05/SexTraffickingReport3.pdf>



zealous, high quality, trauma-informed holistic legal services and policy advocacy that Amara attorneys are well-equipped to provide. The Office of Victim Services and Justice Grants’ (OVSJG) funding has made our services possible and continued funding for OVSJG is a critical factor in our efforts.

OVSJG is Amara’s largest grant funder aside from the Department of Justice and currently provides over 30% of Amara’s grant funds. This funding has allowed Amara to reach and provide services to individuals who previously had zero information about, or access to, legal services. Accordingly, OVSJG funding has made it possible for Amara to address the multitude of legal barriers that our clients face by educating and empowering them to make informed choices that are often unique to their individual circumstances, histories and legal issues.

OVSJG funding has allowed Amara to reach and provide services to more youth in DC through our partnerships with Courtney’s House, our legal-medical partnerships with Break the Cycle and Neighborhood Legal Services Program at DC Public Schools—including Roosevelt Senior High School and Anacostia High School—and our partnerships with other youth-serving community-based organizations in DC.

Notably, many of our clients need transportation assistance. That is, clients need help paying the costs of traveling to court, social services agencies and mental and physical health appointments when those services are located across DC and not easily accessible by public transportation. For example, Amara represents a young mother and victim-defendant in a



criminal matter. We also assisted this client in obtaining physical custody of her one-year old daughter. The child's father is the client's physically abusive former partner. The client, with her former partner's consent, left her daughter in the care of a family member while she secured housing. However, after the client secured housing, the family member refused to return the child to the client.² Upon intake and assessment of the client's case, we determined that the family member did not have legal custody of the child. We were able to reunite the client with her child. The remaining matter stems from an incident that occurred as a result of the client's sex trafficking victimization. On several occasions throughout our representation, Amara has assisted this client with transportation costs to travel to and from court as well as other related appointments. The transportation assistance was, in part, supported by OVSJG grant funding.

Additionally, whether by choice or necessity, individuals who trade sex are often victims of crime. However, the actual number of DC residents who trade sex is difficult to estimate and more resources are needed to research and obtain data for this silent population. Studies have shown that approximately 80% of street-based sex workers have experienced an act of violence—and Trans, Black, and Latina women are the most affected. In DC, the majority of trans women are Black or Latina and trans women of color are more likely to engage in sex work. Of those surveyed in the DC's Trans Coalition Need Assessment, more than half of trans women of color had engaged in sex work in comparison to 12% of their White counterparts. OVSJG funding has also allowed us to advocate for the development of a pretrial diversion

² Some details were changed to preserve anonymity.



program that works to bypass the damaging effects that a criminal record for prostitution can have on our clients by connecting them with mental health professionals and social service agencies.

We note that the coronavirus (COVID-19) pandemic has created economic circumstances that will result in an increased need for our services. The economic impact of business closures and lack of work are creating more opportunities for harm. Financial need is a common motivator in familial trafficking. Further, online home schooling has dramatically increased the amount of time that children are spending online and has resulted in increased risk of harm and exploitation as children are being recruited into pornography and other sexual acts for money. Sex workers are unable to work and when they do, they are exposed to increased health harms. Sex workers are turning to subscription sites like Only Fans to meet basic needs. Unfortunately, traffickers are using similar platforms to continue to exploit victims. For many, these subscription sites will result in a need for victim-witness advocacy as cyber sexual violence increases. We have several cases where we provide advocacy to remove unconsented-to-videos from explicit video platforms.

We are advocating for \$11,057,000 million in Access to Justice Funds (the FY20 amount), \$8,925,000 million in Justice Grants (the FY20 amount), and \$28,070,000 million in Victim Services (the FY20 amount). More is needed to meet the demand for trauma-informed services to assist all District victims--especially individuals who have been harmed through their involvement in the commercial sex industry whether by force, coercion, necessity or choice.



These funds are necessary to develop referral systems, upgrade technology, direct service costs, outreach/training expenses, assist clients with transportation costs, capacity building expenses and staff development. This funding will support efforts to reach culturally-specific, marginalized and underrepresented populations so that all survivors will have an opportunity to prevent, address and eliminate disparate barriers that work to deny them the right and fair chance to heal and rebuild their lives. Especially during these trying times, it is important for the District to support civil legal services that serve primarily communities of color.

We are grateful for and commend the leadership provided by Michelle Garcia and Cheryl Bozarth and we ask the DC Council and the Administration to continue to support OVSJG's critical role in funding core services for those who are harmed through their involvement in commercial sex.

We are pleased to work with Chairman Allen and his staff in this effort and are available to answer any questions that the committee may have.



Fiscal Year 2021 OVSJG Budget Hearing
Before the Council for the District of Columbia
Committee on the Judiciary and Public Safety

Testimony of George A. Jones
Chief Executive Officer, Bread for the City
June 12, 2020

My name is George A. Jones, and I am the Chief Executive Officer at Bread for the City. Bread for the City is a private non-profit agency that works on behalf of and alongside DC residents living with low-income, predominantly people of color, as they fight for the opportunity to continue to live, survive, and even thrive in the Nation's Capital. Bread for the City provides food, clothing, social services, medical care, and civil legal services to reduce the burden of poverty. Bread for the City also supports District residents by helping them create an advocacy platform that fosters their ability to use their voices to demand a DC that eliminates disparities in housing, healthcare, justice, and the host of other socioeconomic disparities that people of color experience disproportionately in DC.

Bread for the City's attorneys practice in areas of the law that are high volume and high stakes – whether someone can stay in their home or whether someone can get a protection order against an abuser, for example. Despite this importance, though, it is common that either both parties in these civil legal matters, or at least one party, does not have an attorney on their side. Meanwhile, the legal system is set up with the expectation that all parties involved are represented by counsel who know how to navigate this system and give the judge the right information needed to decide a case.

This goes beyond simple justice -- in the parts of the court where we practice, Black and brown litigants make up a majority of the unrepresented litigants who are living with low-income and cannot afford an attorney. They include immigrants who often face additional cultural and language barriers to access justice. Racial inequities are always present in our justice system, but having an attorney can help mitigate them.

Having an attorney by a District resident's side is an important safeguard against one-sided agreements made under pressure and due to a lack of knowledge of one's rights and a safeguard against devastating adverse actions like eviction that can have negative collateral impacts on families, including poor health outcomes, employment instability, and poor school performance. As Bread for the City housing attorneys see from one of its District-funded projects, when tenants have counsel, their cases are four times less likely to result in eviction.

The Access to Justice Initiative grants have been an invaluable source of support for Bread for the City's Legal Clinic, as well as our fellow civil legal services nonprofits. Access to Justice and the Civil Legal Counsel Projects Program funding give a combined \$1 million plus in grants to Bread for the City each year, one of our largest single sources of funding and the largest source of funding for our Legal Clinic. With this funding, Bread for the City has been able to improve access to justice by:

- Increasing the number of attorneys available to help District residents who can't afford an attorney in their civil legal matters;
- Pursuing innovative ways to make services more accessible, particularly to those residents living in the poorest wards of the City, by establishing court-based offices that connect lawyers to unrepresented litigants when they need legal help the most – at court on their scheduled court date; and
- Increasing our ability to take on complex, long-term cases like those involving family law matters of domestic violence survivors and those involving the representation of tenant associations to ensure the safety and affordability of the buildings in which they live.

Funding from the Access to Justice and Civil Legal Services Projects Program, it is clear, is a primary source of legal support for those in DC who are living with low income. For example, a majority (~70%) of the DC residents who benefited from Bread for the City's Child Support Community Legal Services Project, supported by District funds, had a household with a parent who met the Project attorney for the first time at our court-based office. A majority of DC residents who benefited from Bread for the City's legal services live in the District's poorest Wards (5, 7, and 8), including about 70% of the households served by our Child Support Community Legal Services Project and our Housing Preservation Project.

But, the impact of our work goes beyond statistics alone. Even as the city has shut down during the COVID-19 pandemic, Bread for the City has been hard at work continuing to represent residents during this time -- residents who, without the resources we can provide with District funding, may very well have gone without the support they needed. An example of someone we have recently helped, with support from Access to Justice funds, is Ms. S. In March, she reached out to her Bread for the City attorney to file an emergency motion because of alarming behavior by her children's father, from whom she is divorced. Ms. S. has an existing Civil Protection Order against the father, but he also has court-ordered visitation with their minor children. He had been continually and obsessively contacting her, sending more than 75-100 messages a day to her cell phone, begging her to reconcile, threatening to kill himself, and threatening to harm the client's new boyfriend. Alarmed by his threats and concerned about their children's safety, Bread for the City filed an emergency motion requesting that unsupervised visits with the minor children be suspended. The court ruled on the emergency motion the same day, modifying the father's visitation so that he could only have supervised, limited visitation with the minor children. This modification has secured Ms. S.'s safety, as well as the safety and security of their minor children, while their father gets the mental health support he needs.

Another story is that of Ms. X., who called Bread for the City's legal intake line, terrified of losing her housing voucher because she was unable to reach anybody at the DC Housing Authority to report a decrease in income necessary to reduce the amount of rent she needs to pay. She had learned that her Supplemental Security Income benefits were being cut off completely. This meant that she would have no regular income unless and until her disability benefits could be reinstated. Ms. X was afraid that without her regular income, she would get behind on rent and lose her crucial housing subsidy, which allows her to afford to live in the District. An attorney at Bread for the City helped Ms. X connect with the DC Housing Authority to report her loss of income. However, the agency responded with an email of forms and the expectation Ms. X would be able, during the public health emergency, to fill out, sign, and return these forms before the change could be processed. Ms. X is elderly, mobility-impaired, and did not know how to take a picture of a document on her phone, let alone have the ability or equipment to print, scan, and upload documents. But with the help of the Bread for the City

attorney, Ms. X was able to electronically complete and sign all the necessary forms, and her rental change was processed on time. Without the help of an attorney, Ms. X would have faced extreme difficulty completing these forms. She may have had to resort to risking her health to go to the DC Housing Authority in person to complete this process. Bread for the City's attorney was able to alleviate that burden for her and help her get her rent adjusted so that she could stay housed, avoid getting behind in rent, and prevent being subject to eviction and the loss of her housing subsidy.

Finally, I would like to speak on the COVID-19 crisis in more detail. Even as the District prepares to re-open, we know that this pandemic is far from over, and that the city will need to continue confronting the challenges arising from it for many months, and probably years, to come. Bread for the City, in partnership with our community of legal services nonprofits and with support from the Access to Justice Initiative grants, has been able to continually innovate and adapt our legal services during this time. We have been keeping up-to-date on the state of the judicial system, safety net programs, and good laws passed by this Council; Bread for the City attorneys are making sure community members have this information and know their rights so they are not taken advantage of. We have established remote phone intake and virtual outreach trainings so that we can continue our work safely for staff and District residents. We have worked in collaboration to create the first centralized phone intake line for unrepresented tenants, which we are staffing alongside the DC Bar Pro Bono Center, Legal Aid Society of the District of Columbia, Legal Counsel for the Elderly, Neighborhood Legal Services Program, and Rising for Justice.

Finally, and perhaps most importantly for today's record, Bread for the City is preparing to see a significant influx of new clients as the city re-opens. We know that landlords will resume evictions (and we know that unfortunately many never stopped trying to evict, even during this time). We know that those who have been staying at home with their abusers will need extra support to find safety. We know that the massive increase in unemployment will lead to an overburdened public benefits system and an unfortunate consequential increase in denials and needed appeals. Bread for the City will be here to help our community through all of this, but we can't do it without the continued funding from Access to Justice and Civil Legal Counsel Projects Program grants. We thank the DC Council for its longstanding support of the Access to Justice Initiative, and we hope that the Council will maintain and even increase funding to the Fiscal Year 2020 level, in recognition of the battles ahead that will be confronting District residents, particularly communities of color already bearing the disproportionate brunt of this pandemic.



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Testimony Before the District of Columbia Council
Committee on Judiciary and Public Safety
June 1, 2020

Public Hearing:
Budget Oversight Hearing

Judith Sandalow
Executive Director
Children's Law Center

Councilmember Allen and members of the Committee on Judiciary and Public Safety I, Judith Sandalow, Executive Director of Children’s Law Center and a resident of the District, submit this written testimony on behalf of Children’s Law Center which fights so every DC child can grow up with a loving family, good health and a quality education.¹ With nearly 100 staff and hundreds of pro bono lawyers, Children’s Law Center reaches 1 out of every 9 children in DC’s poorest neighborhoods – more than 5,000 children and families each year.

Introduction

We thank you for this opportunity to provide testimony to highlight the significant impact of the civil legal services made possible by the Access to Justice Grant. From our work we have learned that access to civil legal services not only help DC residents access justice, but that early intervention can improve health outcomes and save significant sums in Medicaid costs. Additionally, as the District plans for emergence from the present COVID-19 public health emergency, access to civil legal services will be essential. In particular, we are very concerned about the wave of eviction proceedings that will occur as soon as the ban on evictions is lifted. In order to prevent a surge of housing insecurity, access to civil legal services in eviction proceedings will be crucial in protecting vulnerable District residents from homelessness. We hope that the Council will ensure that the DC Bar Foundation, specifically the Access to Justice Grant is fully funded. We ask that the Council restore the \$668,000 in one-time funding that was lost in

FY20. Additionally, we are concerned by the shift from recurring to one-time funding of \$1,800,000 in the FY21 budget.

Support of CLC's Medical-Legal Partnership

At Children's Law Center, the Access to Justice Grant funds a large part of our medical-legal partnership, a cutting-edge collaboration that places attorneys in community pediatric primary care settings as part of the treatment team working to identify and prevent health harming legal needs.² Our medical-legal partnership started in 2001 with Children's National, and has grown to three Children's National sites, two Unity Health Care sites, and Mary's Center. CLC attorneys work directly with families, train medical staff, and use their knowledge to advance systemic change. In 2018, CLC received 1,470 new referrals, served 3,067 children and families, and trained over 1,900 medical providers, parents, and other stakeholders and community members through our medical-legal partnership. In our DC Bar Foundation work, we are in the highest need communities in DC, working especially in Wards 7 and 8, with teen parents, and with immigrant families.

Perhaps unsurprisingly, not everyone trusts lawyers. By being in the community pediatric setting, we get to start ten steps ahead with clients because their trusted pediatrician tells them we can help them with a problem that they have been trying to solve for their child, that is impacting their child's health, and that they have been trying to tackle on their own for a long time. Problems like:

- a child ending up in the ER or otherwise hospitalized numerous times because the mice and mold in their home triggers their asthma;
- visits to the ER are causing parents to miss work and risk losing their job;
- health concerns cause the child to miss school or be sent home early several times a week and fall years behind academically;
- a 6-month old whose Medicaid enrollment was not completed in error and not the parent is getting billed for the baby's well-child visits and cannot get the needed medications.

We help solve those problems for families because we are right there working alongside the doctors. And we are able to do that work that because the DC Bar foundation, using the money provided by the Council, sees the value in our work and understands how we help DC families access justice in a unique way.

Children's Law Center is also unique in that we have an in-house evaluation team. This team has been able to look at whether our housing conditions interventions work for children with asthma, specifically whether when we get the housing conditions fixed through a legal intervention, does the child have fewer emergency room visits and hospitalizations in the two years after our intervention than in the two years prior. The short answer is yes, when we are able to improve housing conditions, the child's asthma symptoms improved.³ Our medical-legal partnership has improved children's health and reduced the costs of medical care – by a staggering \$14.1 million over the past three years alone.

When thought about in terms of saving Medicaid dollars, our analysis shows that interventions made possible by legal services were able to prevent hospital and

emergency room visits. Take, for example, the typical costs for asthma-related emergency room visits, hospitalizations and other medical supports. For a child in DC, these costs can range from a few hundred dollars to tens of thousands of dollars. When we successfully advocate for a landlord to fix poor housing conditions, a child's asthma improves. Based on our research, each successful intervention reduces government-funded health care costs by an average of \$10,000 during the first 18 months. For the 10% of children with the most significant health issues, the average costs spiked to \$60,000.

In other words, by investing a relatively small amount into legal intervention, not only are we able to improve health conditions for children, but we are able to save money in other public systems. Moreover, these number do not account for the days of school the child was able to attend, the job the parent could keep, the apartment they were able to afford, the decreased stress in their lives, and more. Ultimately, early investment in civil legal services by the Council, via the Access to Justice Grant, saves the District tens of thousands of Medicaid dollars per client served.

Preparing for Life After COVID-19

As the District prepares to emerge from the COVID-19 public health crisis, access to civil legal services will be ever more crucial. In particular, when the ban on evictions is lifted, we anticipate a wave of evictions to overwhelm DC Courts as well as low-income families across the District. As research has found, "eviction is a cause, not just a condition, of poverty."⁴ The unprecedented economic consequences of this public health

emergency will affect not only those DC residents who already experience housing insecurity, but will put a broad swath of residents at new risk of eviction, and the collateral consequences that follow. Our partners at DC Legal Aid have advocated for a variety of relief options for tenants facing possible eviction during the pandemic.⁵ The Council's decision to stop all new eviction case filings and all actual evictions during the public health crisis has been an important first step. However, as the District plans for emergence from the state of emergency, we must anticipate a wave of new eviction case filings as soon as the 60-day window expires. Additionally, the current ban on actual evictions does not have the same 60-day buffer following the end of the state of emergency.

Civil legal services for those facing eviction will be essential to preventing mass displacement and homelessness. Even prior to the pandemic, DC Landlord Tenant Court saw approximately 200 cases each day.⁶ With months of backlog cases in addition to the wave of new filings that will flood the court if the Council does not intervene to protect tenants, the number of DC residents who will need help to navigate eviction proceedings will be significant. Further evidence of the foreseeable wave of evictions can be seen in neighboring Virginia. The state saw 700 eviction proceedings scheduled upon the lifting of their eviction ban on May 18th.⁷ This led to a reissuance of the state-wide eviction moratorium as the public reeled from the confusion. In DC, with more than 112,000 unemployment claims as of June 10, 2020,⁸ there is little doubt that a vast number of

families have struggled to keep up with their rent payments and will continue to do so until the local economy recovers. If even half of those 112,000 unemployed DC residents faces eviction proceedings upon lifting the stay on evictions, civil legal services providers will need greater than usual funding to aid these families and prevent them from becoming displaced or homeless.

We have been encouraged by the commitments of Councilmember Allen and the Committee to ensure that the Access to Justice Grant is funded. We know these are difficult financial times, but the relatively small investment in legal services will prevent significantly higher costs to DC of families becoming homeless and falling into crisis. We ask that the Council restore the \$668,000 in funding. Additionally, we are concerned by the conversion of recurring funds to one-time funding in the FY21 budget. Civil legal services are an essential tool to ensuring justice and equity across the District. Never is this essential tool more important than in a time in which we are seeing the convergence of health, economic, and social crises.

Conclusion

We are just one program funded by the DC Bar Foundation working to help DC residents access justice in myriad ways. The money that the Council provides to the DC Bar Foundation for the Access to Justice grants is important. It changes the lives of the residents of DC for the better, and as a grantee we thank the Council for continuing to fund this vital program.

¹ Children’s Law Center fights so every child in DC can grow up with a loving family, good health, and a quality education. Judges pediatricians and families turn to us to advocate for children who are abused or neglected, who are not learned in school, or who have health problems that cannot be solved by medicine alone. With nearly 100 staff and hundreds of pro bono lawyers, Children’s Law Center reaches 1 out of every 9 children in DC’s poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

² Children’s Law Center was one of the first medical-legal partnerships in the country. There are now more than 400 nationwide, and George Washington University houses the National Center for Medical-Legal Partnership. See <https://medical-legalpartnership.org>.

³ This research was presented at the AAMC 2019 Annual Conference by Dr. Holly Stevens but has not yet been published.

⁴ Matthew Desmond, *EVICTED: POVERTY AND PROFIT IN THE AMERICAN CITY* (2016).

⁵ See Beth Harrison, *DC Council Extends Emergency Protections for Tenants* (May 11, 2020), available at <https://www.makingjusticereal.org/d-c-council-extends-emergency-protections-for-tenants>

⁶ See Rachel Kurzius, *When D.C.’s Ban On Eviction Ends, What Will Happen? It’s Uncertain.*, WAMU 88.5 (May 8, 2020), available at <https://www.npr.org/local/305/2020/05/08/852786216/when-d-c-s-ban-on-evictions-ends-what-will-happen-it-s-uncertain>

⁷ See Ally Schweitzer, *Virginia Bans Evictions Through June 28*, DCIST (June 8, 2020), available at <https://dcist.com/story/20/06/08/virginia-bans-evictions-through-june-28/>

⁸ See Unemployment Data: Number of Claims, available at <https://coronavirus.dc.gov/page/unemployment-data>



CHRISTIAN
—
LEGAL AID
OF THE DISTRICT OF COLUMBIA

My name is Whitney King and I serve as the executive director of the Christian Legal Aid of the District of Columbia (CLADC). We believe that everyone deserves access to justice, and thank the Mayor and the City Council for investing in civil legal aid for the District's most vulnerable residents.

The Mayor acknowledged the vital services provided by the civil legal aid community in allocating \$10,389,000 to the Access to Justice Initiative in her proposed budget, and yet this work will be even more essential as the District continues to face the COVID-19 pandemic and navigate recovery. We join the Access to Justice Commission in seeking additional investment beyond the proposed allocation.

The Access to Justice Initiative has been a critical source of funding for CLADC, allowing us to serve hundreds of homeless and low-income residents of DC each year with legal assistance and representation. Two of our core practice areas in particular, landlord/tenant and criminal record sealing, have a deep impact on the safety, security, and overall well-being of individuals and families in DC, especially now as those who were already vulnerable are even more susceptible to unemployment and lack of safe housing.

As unemployment increases and livelihoods are severely threatened, CLADC works to remove a significant barrier to viable employment for many DC residents—having a record of arrest, even if charges were dismissed or subsequently decriminalized. Though the law allows for criminal records to be sealed under certain circumstances, it is very difficult for those in poverty to secure this right on their own. Without legal aid, thousands of residents continue to experience the collateral consequences of arrest in employment, housing, and other aspects of life.

One of our recent clients is a registered nurse who had been repeatedly denied employment due to a dismissed felony charge in 1999 when she was only 18 years old. Seven months after CLADC filed a 14-page motion to seal on her behalf, her criminal record was sealed. Another client who works with veterans and is an assistant manager at a local homeless shelter has been rejected from employment due to a 2011 charge that was also dismissed. One of our volunteer attorneys has taken up his case and CLADC has mobilized several other attorneys to represent more clients in cases like these, in addition to supporting clients with other legal needs. We are able to do this work in large part due to the District's investment in the Access to Justice Initiative.

With regard to landlord/tenant matters, though evictions are currently stayed, we anticipate a significant increase in eviction defense cases and other housing issues due to loss of income in the coming months. We have already heard from church and ministry partners that they are aware of growing needs for individuals to understand their rights, access programs like emergency rental assistance, and meet with attorneys for legal advice and representation. Again,

because of the Access to Justice funding, we are able to prepare our volunteer attorney network to respond to this increasing need.

These are just two areas in which civil legal aid fundamentally supports low-income District residents to not only survive, but to thrive. Every Washingtonian deserves a fair shot to secure safe housing and stability for their family, but without civil legal aid, many residents simply will not have this shot.

I thank the Mayor and City Council for their investments in the Access to Justice Initiative to date. This has already led to life-changing results for many of DC's low-income residents, but the need is still great, and it is growing. We join the Access to Justice Commission in asking the Council to ensure that civil legal aid providers are able to meet this need head-on.



COMMITTED TO ACCESSIBLE CIVIL JUSTICE

My name is Gabrielle Mulnick Majewski, and it my privilege to serve as Executive Director of DC Affordable Law Firm. We are incredibly grateful for the Mayor and Council’s long-standing support of civil access to justice in the District. Every day, we help low- and modest-means income District residents facing potentially life-changing civil legal problems. At DC Affordable Law Firm (“DCALF”), the critical Access to Justice funding we received this year has enabled us to create an incredibly important, cross-organization program that has been a lifeline to *pro se* family law litigants since the start of this pandemic. We could not do this work without the funding we have received through the Access to Justice (ATJ) Initiative. We thank the Mayor for including \$10,389,000 in her proposed budget to support the ATJ Initiative, and support the additional funding increase sought by the Access to Justice Commission. We support this request on behalf of our clients, our organization, and the thousands of DC residents’ whose access to critical civil legal services hinges on those essential legal services organizations supported by the ATJ Initiative.

DC Affordable Law Firm was founded in 2015 with the singular mission of providing high quality, affordable legal services to DC residents with unmet legal needs who do not qualify for free legal aid, but are unable to pay prevailing legal rates. DCALF fills a sizeable void in the District’s civil legal services landscape as the only nonprofit legal service provider in the District of Columbia exclusively focused on serving the more than 100,000 modest-means DC residents living 200-400% above the Federal Poverty Level. DCALF represents clients in immigration, family law, and probate matters, with half of our clients paying modest-means for services and the remainder receiving grant-funded *pro bono* representation when they are unable to pay out of pocket. Our clients live at or just above poverty levels, and without DCALF’s representation, access to justice in these critical realms would largely evade them.

This year, DCALF was fortunate to receive ATJ funding to embark on a novel project to provide family law assistance to unrepresented parties. In March 2020, DCALF – together with Legal Aid and the D.C. Bar Pro Bono Center – officially launched the Family Law Assistance Network (“FLAN”), an initiative designed to link low-income DC residents with same-day legal advice and short-term legal representation in complex family law proceedings in DC Superior Court. According to 2017 statistics, in the District of Columbia 83-93% of litigants were unrepresented in domestic relations proceedings, left to navigate legally- and emotionally-complex child custody, support, and divorce hearings without the benefit of an attorney or easy access to timely legal advice. Nearly 28% of District residents fall into low-income brackets, and many lack the financial means to hire counsel or the bandwidth to pursue representation through established legal service providers. Without access to counsel, *pro se* litigants are forced to “go-it-alone” and self-advocate in difficult, emotionally-fraught hearings involving multifaceted, confusing legal issues. As a result, litigants frequently experience frustration and distrust in the fairness and equity of the judicial system. DCALF was fortunate to receive ATJ Initiative Funding to create FLAN so we can pour energy into tackling these problems and provide short-term legal assistance to community members without counsel.

Immediately after the pandemic hit, we adapted our model to fit the court's and litigants’ needs in light of COVID-19. We collaborated with the court and played a central role in drafting and filing emergency family law pleadings for the city’s *pro se* litigants while the court was largely closed. Since FLAN started taking referrals at the end of March, we have counseled, advised, and supported more than 120 unrepresented litigants to understand their rights and present

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COMMITTED TO ACCESSIBLE CIVIL JUSTICE

their claims, vastly expanding access to justice for individuals who lack the very access to technology many of us have come to rely upon during this pandemic. Over 75% of the clients DCALF has served through FLAN live in Wards 5, 7, and 8, and nearly all are very low-income. Most individuals we have served are caregivers gravely concerned for the safety of children living in unsafe, under-resourced households at a time when they are no longer attending school or regularly monitored by trusted teachers and other mandatory reporters. We have represented parents who have been denied access to their children for months and grandparents eager to prevent their grandchildren from entering CFSA's custody.

As DC Superior Court has expanded its operations to conduct more virtual Domestic Relations hearings, once again, FLAN responded by further expanding our cadre of services in response to the presenting needs of litigants and the court. FLAN is now serving as a conduit of information to proactively call and notify unrepresented, pro se litigants of their upcoming hearings and facilitate their connection to FLAN or other civil legal service providers. At the same time, we will continue to assist unrepresented litigants with pleadings and represent interested persons in their virtual hearings while the physical courthouse remains closed.

This critical work will continue to be essential to the proliferation of justice, equity, and fairness for our city's most vulnerable, underrepresented persons and is key to our city's post-pandemic recovery, and ATJ funding is critical to moving this initiative forward.

The past four months have posed a difficult time for our clients and the community in a myriad of ways. As we have quickly learned, in the time of COVID-19, the need for civil legal services has never been greater – the pandemic, school closures, losses of income, and shelter-in-place orders have all been catalysts for a broad spectrum of legal needs from DC residents. These needs will only continue to rise as the city and its residents embark on the slow road to recovery. The District's continued investment in Access to Justice funding will enable DCALF, FLAN, and other key legal services organizations to continue rising to meet the needs posed by our community. We remain committed to working alongside low- and modest-means DC litigants as they navigate their struggles independent of and related to the aftermath of this pandemic. We appreciate the city's investment in Access to Justice funding, and thank the Mayor and Council for supporting civil legal services.

Thank you for your consideration of this request.

Respectfully submitted,

Gabrielle Mulnick Majewski
Executive Director and Ward 5 Resident

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My name is Rebecca Troth and I am the Executive Director of the D.C. Bar Pro Bono Center. The D.C. Bar Pro Bono Center is the largest provider of pro bono legal services in the District of Columbia. Every year, we serve more than 20,000 individuals, nonprofit organizations, and small businesses through clinics, court-based resource centers, and other programs that mobilize the power of pro bono attorney volunteers throughout the District.

The Pro Bono Center is grateful to the Mayor and the Council for continuing to invest in civil legal services for low-income D.C. residents. We thank the Mayor for supporting the Access to Justice Initiative at \$10,389,000 in her proposed budget and are hopeful that the Council will be even more generous in funding this critical initiative at a time when legal services will be stretched to the breaking point.

The Pro Bono Center has operated the Landlord Tenant Resource Center (LTRC) at D.C. Superior Court for the last 16 years. The LTRC offers pro se tenants and small landlords with residential housing disputes legal information and assistance, typically on the same day they must appear in Landlord Tenant Court. Attorney volunteers from 19 participating D.C. law firms help customers understand Landlord Tenant Court proceedings, help them prepare pro se pleadings, and refer eligible low-income litigants to legal services organizations (including our own lawyers) for representation. Last year, 85% of the customers our staff and volunteers served were tenants, the majority facing eviction or living with housing code violations. The LTRC has served more than 60,000 people since its inception in 2004, and mobilized thousands of attorney volunteers to serve the community.

Funding from the D.C. Council through the Access to Justice Initiative supports eviction defense for tenants living at or below 200% of the poverty level. In 2018, with Access to Justice funding, to augment the services provided by pro bono lawyers and the LTRC, the Pro Bono Center hired two attorneys to serve as Housing Attorneys of the Day. Every weekday, an Attorney of the Day provides same-day representation to income-eligible tenants who come to the LTRC, facing eviction and/or housing code violations. The Attorney of the Day also provides short-term representation to clients who are waiting for full representation by a pro bono attorney volunteering with our Advocacy & Justice Clinic.

On any given day, the Attorney of the Day might help work out a settlement agreement, argue a motion to vacate a default or enforce a settlement agreement, or represent a tenant on an application to stay a writ of eviction. Far exceeding our projections, the Pro Bono Center's Housing Attorneys of the Day represented 378 tenants in the program's inaugural year. Access to Justice Initiative funding has also helped the Pro Bono Center test innovative approaches to mobilizing more volunteer lawyers through a new pilot Pro Bono Attorney of the Day Program. Volunteer attorneys from one of our LTRC partner law firms now provide immediate, limited representation to help tenants avoid unfavorable settlement agreements, receive rent abatements, and avoid homelessness.

Effective March 16, due to the COVID-19 global pandemic, all D.C. Bar Pro Bono Center staff, including staff who support the LTRC and the Attorneys of the Day, began working remotely. During the pandemic, the LTRC is providing free legal information to unrepresented tenants and small landlords using a dedicated phone line. Clients who call the LTRC hotline with urgent housing needs can be

referred to one of the Pro Bono Center's Housing Attorneys of the Day for representation. As of June 3, 2020, the LTRC hotline had received 454 calls from D.C. residents seeking help with housing matters.

As the pandemic eases and the courts begin to reopen, the Pro Bono Center is bracing for a spike in demand for our services, particularly for housing and eviction defense-related matters. We also expect to see a spike in activity on our LTRC hotline once a stay on evictions is lifted and the courts begin their phased reopening. Expert housing lawyers will be needed to handle the expected increase in evictions and housing conditions cases as landlords decrease maintenance because of their cash flow issues. Continued funding from the Access to Justice Initiative will be critical to ensuring the continuity of our Housing Attorney of the Day services and the mobilization of our attorney volunteers to the greatest extent possible to meet the expected demand.

Dated: June 8, 2020

DC VOLUNTEER LAWYERS PROJECT

EST. 2008

My name is Sara Tennen and I am the Executive Director of the DC Volunteer Lawyers Project. I would like to thank the Mayor and the Council for their continued investment in civil legal services for low income victims in Washington, DC, and specifically thank the Mayor for her proposed budget, which included funding the Access to Justice Initiative at \$10,389,000. Understanding that the Access to Justice Commission is seeking an increase above this allocation, I would like to share with you a bit about why this funding is so critical from our perspective, as a legal services organization that is on the front lines helping victims in the city achieve safety and stability each and every day, and why we support the requested increase by the Access to Justice Commission.

At the DC Volunteer Lawyers Project, we believe that a life free of violence and abuse is a basic human right. The mission of the DC Volunteer Lawyers Project is to advocate for domestic violence victims, at-risk children, and other vulnerable individuals through comprehensive *pro bono* legal services; to empower victims with knowledge, resources and on-going support; and to broaden our impact by engaging, training, and supporting a strong and diverse network of volunteer lawyers and community volunteers.

Before the COVID-19 pandemic, our resources were stretched. We receive funding from the Access to Justice funding for both our program supporting domestic violence victims and our work with at-risk children. Before COVID-19, we had three weekly community based clinics throughout the District and one at the courthouse. All of those clinics were converted to a Call in Legal Clinic on March 16 due to the pandemic. Calls to our call in clinic increased at significant rates from March to April and we continue to receive calls at a steady pace. Based on what we are seeing from our own data and data from the court and domestic violence hotline, we know that right now we are only seeing the tip of the iceberg. As adult and child victims begin to emerge from homes where they have been quarantined and in precarious situations, we anticipate the number of clients in need

DC VOLUNTEER LAWYERS PROJECT

EST. 2008

of our services will skyrocket even further. We rely on Access to Justice Funding to provide critical, life-changing services to victims of domestic violence and at-risk children. This funding is more important now than ever before.

Also of note, many of our attorneys receive support from the Loan Repayment Assistance Program through the DC Bar Foundation to cover their law school loans. This program is critical to our ability to continue to recruit and retain a diverse group of highly qualified attorneys to provide representation to victims.

The Mayor eloquently offered a vision for Washington, DC – one that gives “every Washingtonian a fair shot and a pathway to the middle class.” Washingtonians without access to legal representation are missing a critical tool in being able to share in this vision for the District. So that every Washingtonian can have a pathway to safety, stability, and long-term self-sufficiency, it is critical that civil legal services receive adequate funding. I would like to thank Mayor Bowser and City Council for their commitment to civil legal services here in DC.

DISABILITY RIGHTS DC

at University Legal Services

June 6, 2020

Chairman Phil Mendelson and D.C. Councilmembers
City Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Chairman Mendelson and D.C. Councilmembers,

As the Legal Director of Disability Rights DC (DRDC) at University Legal Services, I write to request that the D.C. City Council secure funding for the Access to Justice Initiative in the Mayor's FY21 budget. DRDC receives this funding, which has allowed us to provide legal representation and advocacy to the District's residents with disabilities, some of the most vulnerable of District residents.

The Access to Justice Initiative has provided critical funding to D.C. legal services agencies to represent low income District residents who are in great danger of losing their housing and services. This advocacy and assistance is especially needed now as COVID-19 has had a devastating and disproportionate impact on low income District residents, especially District residents with disabilities who live in congregate settings or rely on in-home supports because of their disability and health needs. As of June 5th, 13 people institutionalized at St. Elizabeths Hospital, 25 people with intellectual disabilities who are supported by the D.C. Department on Disability Services in residential placements and 165 people in D.C. long-term care facilities have died from COVID-19. These deaths represent 42% of all of the deaths from COVID-19 in the District of Columbia. Legal advocacy for these individuals, who often cannot reach out themselves for legal assistance and representation, is essential.

With funding from the Access to Justice Initiative for our Housing Advocacy for People with Mental Illness and Behavioral Challenges Project, DRDC has been able to represent people with disabilities who are homeless, stuck in institutional placements where COVID-19 has spread swiftly and with deadly results, and provide advocacy to secure quality services and housing in the community. DRDC has also assisted individuals who live in community residential placements who need quality care and supports in place so that they can maintain their housing, their health and their independence during this pandemic.

The Access to Justice Initiative's funding has been especially essential to DRDC during this pandemic. DRDC has intensified our advocacy especially on behalf of individuals who are in congregate settings or rely on staffing in their homes, as they are especially vulnerable to

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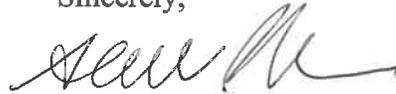
infection and also often have underlying health conditions that could result in serious harm or death if they contract COVID-19. For example, DRDC assisted a man with both a mental illness and an intellectual disability who was institutionalized at St. Elizabeths Hospital and was terrified of contracting COVID-19 as it had spread throughout the hospital wards. DRDC urged the Department on Disability Services (DDS) to expedite his application for services, arguing that he clearly met the agency's eligibility criteria, and to secure a community residential placement for him. DDS did find him eligible for services very quickly and then placed him in respite community housing. The client, who had mostly lived on the streets for twenty years and had been arrested in the recent past for stealing food to survive, now has a safe home where he is getting the supports he needs. DRDC represented a young woman with an intellectual disability and mental illness who faced termination of her Medicaid home and community-based services and residential services during the pandemic. DRDC's advocacy stopped the District's action to terminate her services and ensured the supports were in place for her to live safely in the community. DRDC is now advocating for a client with a mental illness, intellectual disability, significant medical needs and a compromised immune system who just learned someone in his community residential facility (CRF) has tested positive for COVID-19. DRDC is urging the CRF provider to take swift action to stop the spread in the home and to test residents and staff. DRDC will take further action if the CRF does not take the steps necessary to safeguard our client and the other residents in the CRF. Without the Access to Justice Initiative funding, DRDC would not have been able to provide this degree of advocacy to this vulnerable population.

With the Access to Justice Initiative funding, DRDC has also engaged in systemic advocacy to protect District residents with mental illness from being neglected during the pandemic. DRDC is monitoring the response of CRFs to COVID-19 through checking-in with clients, mental health provider agencies, case workers and CRF staff to learn of any unmet needs in the CRFs that place the residents with mental illness at risk. DRDC has communicated these unmet needs, which included the need for concrete, written guidance on how to protect residents from infection and the need for PPE, to the Department of Behavioral Health (DBH) and advocated for the agency to more proactively support CRFs throughout the pandemic. DRDC has also engaged with clients with mental illness who live independently with the assistance of home health aides to ensure their home health aide services are not being interrupted and that they are receiving adequate information on the pandemic and how to access food. We have also conducted outreach and provided information to clients and providers regarding the right of people with disabilities to their stimulus checks and that they cannot be used by providers to cover their cost of care in residential placements.

This pandemic is far from over and the disproportionate effect of COVID-19 on low income District residents will likely continue. The Access to Justice Initiative funding provided to DRDC is essential to continue providing critical legal assistance and representation to District residents with disabilities, to ensure they are provided with safe community housing and quality services and care in their homes, without delay. And it is essential to all the District's legal services providers funded by the Access to Justice Initiative. The legal representation and

assistance funded by the Access to Justice Initiative is critical for an equitable society and to aid in the District's recovery. DRDC appreciates the Council's past support for legal services to the District's low income residents and urges the Council to secure the funding for the Access to Justice Initiative in the Mayor's FY21 budget.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandy Bernstein", with a stylized flourish at the end.

Sandy Bernstein, Esq.

Legal Director.

Disability Rights DC

University Legal Services

June 10, 2020

Dear Chairman Mendelson and D.C. Councilmembers:

I am writing on behalf of the Legal Aid Society of the District of Columbia, D.C.'s oldest and largest civil legal services program to express our strong support for funding the Access to Justice Initiative and to demonstrate why the program is such a critical part of the District's safety net.

We appreciate the longstanding financial commitment to the Access to Justice Initiative by Mayor Muriel Bowser and members of the D.C. City Council, and the continued commitment as reflected in the District's proposed FY 21 budget. This public funding program is vitally important to low-income District residents, allowing them an entrance to legal assistance and representation in a broad range of civil legal areas, providing much needed loan repayment assistance to District legal services lawyers, and funding a community legal interpreter bank.

Funding from the Access to Justice Initiative has supported Legal Aid's mission to *make justice real*—in individual and systemic ways—for persons living in poverty in the communities we serve. As you know from your continued support for our work, Legal Aid is the oldest and largest civil services provider in the District of Columbia. We employ a range of strategies in five substantive practice areas—*Housing Law, Domestic Violence/Family Law, Public Benefits Law, Consumer Law, and Immigration Law*—to address the legal needs of D.C. residents, including direct client service, client outreach and education, and (with non-public funds) we also participate in impact litigation and advocacy before the D.C. Council, administrative agencies, and local courts. We also handle appeals on a range of legal issues through our nationally recognized Barbara McDowell Appellate Advocacy Project.

As you are well aware, the public health crisis presented by COVID-19 has immediately and profoundly impacted the lives of individuals and families living in and on the cusp of poverty. And unsurprisingly so for communities of color and immigrant communities. The District's data show

that the virus has predominantly infected people living in wards with larger populations of low-income residents and residents of color. DC residents are experiencing unprecedented levels of unemployment, especially in industries that employ lower-wage workers. For our clients who are still employed, many have essential jobs that do not allow them to work from home, putting them and their families at greater risk of infection. According to news reports, a staggering 76% of the DC residents who have lost their lives are black.

Legal Aid's practice areas are well-aligned with the expected needs complicated by the crisis, especially in unemployment insurance, public benefits, eviction defense, foreclosure prevention, debt collection, domestic violence, and family law issues (like custody and child support). We cross-train all our attorneys and legal assistants outside their practice areas and have the flexibility to shift resources to the areas of greatest need. Our individual client representation informs our policy advocacy, enabling us to work with the DC Council, government, and Courts on how proposed legislation and processes could impact our client community. Our staff have been active in virtually training community members and service providers (including those representing immigrant communities and labor union members) on pandemic-related protections, including the expanded unemployment insurance program, tenants' rights, and how to obtain and protect stimulus checks.

Mayor Bowser has already recognized the critical need of the Access to Justice Initiative in her budget for FY 21, and we ask the Council to secure the funding without any cuts in the Mayor's budget devoted to this Initiative because it is a wise, public investment that benefits the growing need for civil legal help post-COVID for District residents.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Angel".

Eric Angel
Executive Director



My name is Karen Newton Cole and I am the Executive Director of Neighborhood Legal Services Program of the District of Columbia. I write today to convey the impact of the Access to Justice Initiative on the rendering of essential legal services to the low-income residents and families of the District of Columbia especially in the time of COVID-19 and its aftermath.

Over the last few years, Neighborhood Legal Services Program has been the recipient of several Access to Justice Initiative (ATJI) grants. This critical funding has supported and shaped the trajectory of legal services provided by our organization. One area that the impact has been greatly felt is the housing law practice. We have more than doubled our staff as a result of two relatively new programs -- Stabilizing Communities through Affordable Housing and Creating Partnerships and Leveraging Resources to Prevent Eviction, our Civil Legal Counsel Project Program (CLCPP). The impact of these ATJI funded programs has been tremendous. Though our existing CLCPP grant, NLSPP is currently representing about 120 clients in eviction cases and in 85% of those cases we provide extended representation. Our Stabilizing Communities Initiative has expanded our capacity in new and interesting ways – we are able to address housing discrimination, building-wide conditions and strategically attack affordable housing related problems.

Of additional benefit, has been the strengthening of partnerships between legal service organizations. While the legal services community has always been collegial, sharing information through various meetings and organizations, these grants have created a new level of collaboration.

For example, in the case of the CLCPP, the legal service recipients continuously work together with



the support of the DC Bar Foundation to develop methodologies to reach unrepresented low-income people threatened with eviction and those at- risk of losing their homes.

These partnerships have laid the foundation for what lies ahead. We anticipate as the pandemic loosens its grip, the legal community (courts, legal services providers, and pro bono counsel) will be hit with a deluge of cases that will require all of our collective resources and more.

In addition to housing cases, we anticipate our family law and economic security practices (also supported through an Access To Justice grant) to swell as NLSP attempts to meet the overwhelming need. Our ability to address a broad range of the family law issues – divorce, spousal and child support, child custody, third party custody, visitation, and domestic violence – will be critical as families grapple with problems in the wake of the pandemic. Similarly, NLSP’s economic security unit expects a significant increase in the number of COVID-related cases – many as a result of unemployment and other threats to economic stability.

In closing, I would like to thank the Mayor and the City Council for their continuing commitment to provision legal services to DC low-income residents. Much work has been done as a result of your support and, post pandemic, more work is ahead.

June 12, 2020

District of Columbia Access to Justice Commission
c/o Sidley Austin LLP
1501 K Street, NW, Room 3.100
Washington, DC 20005

Re: Access to Justice Initiative

To Whom It May Concern:

Quality Trust for Individuals with Disabilities (QT) is a non-profit organization that has been advancing the interests of DC residents with developmental disabilities since 2001. QT monitors the quality of the services provided and advocates for whatever changes or improvements are needed to enable people to live full, healthy, and meaningful lives. Since our founding, QT has supported thousands of people with disabilities through our legal, lay advocacy, and monitoring programs, as well as systemic initiatives

Access to Justice Initiative funds have played a critical role in the success of QT's Jenny Hatch Justice Project (www.JennyHatchJusticeProject.org). This project focuses on protecting and advancing people with disabilities' "Right to Make Choices" – the principal prerogative of all people to make their own decisions and direct their own lives to the maximum of their capabilities. Research has repeatedly shown that, when people with disabilities are self-determined and have more control over their own lives, they have better life outcomes, including improved health and safety. Thanks to Access to Justice Initiative funding, JHJP provides legal representation, advocacy, and education to low-income DC residents are in or at risk of undue or overbroad adult guardianship, who want to explore less-restrictive legal options, or who are facing unlawful discrimination that impacts their decision-making rights.

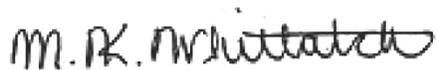
During the COVID-19 pandemic, QT has been actively monitoring the way in which DC residents with developmental disabilities are impacted and advocating for change where needed. We know that this population has been disproportionately and negatively impacted during these challenging times. For example, available statistics show that people receiving DC Department on Disability Services' (DDS) Developmental Disabilities Administration (DDA) supports and services are testing positive for COVID-19 at 8 times the rate of the general population in DC and dying more than twice as often. We also know that they are and will continue to face barriers in accessing medical care, both because of concerns regarding unlawful medical rationing and because of the failure of hospitals to make reasonable accommodations to meet their support needs.

The individual cases that QT have been handling during the COVID-19 crisis are heartbreaking. For example, we recently supported a young low-income Latino man in his twenties who had an intellectual disability. He did not communicate verbally and depended on his mother to make his wants and needs known. When he was hospitalized for COVID-19, the hospital denied him access to any supporter, despite their legal responsibility to reasonably accommodate people with disabilities under local and federal law. He was left alone and scared, with no ability to communicate, battling for his life. QT had to quickly intervene to advocate for an accommodation to be made and, fortunately, was successful in doing so. Unfortunately, this

young man has since passed away, bringing into sharp relief the death toll COVID-19 is having on a population that is at particularly high risk for poor health outcomes from this virus.

QT anticipates that these kinds of legal issues will continue during the District's stages of reopening and beyond, particularly given the anticipated second wave of COVID-19. Access to Justice Initiative funds will prove critical in providing us with the resources necessary to promptly address the increased need for our legal services, so that DC residents with disabilities are not unlawfully discriminated against in their efforts to timely accessing quality medical care, with the decision-making supports they need and want.

Thank you,

A handwritten signature in black ink that reads "M.K. Whitlatch". The signature is written in a cursive, slightly slanted style.

Morgan K. Whitlatch
Legal Director
Quality Trust for Individuals with Disabilities
mwhitlatch@dcqualitytrust.org
202-459-4004

Executive Director

Grace M. Lopes

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Donald P. Salzman
Skadden, Arps, Slate, Meagher &
Flom LLP and Affiliates

Brian Stekloff
Wilkinson Walsh

Adam Strochak
Marigold Builders

My name is Grace M. Lopes and I am the Executive Director of Rising for Justice. I would like to thank the Council for its long-standing investment in funding civil legal services for low income District residents. I also would like to thank the Mayor for funding the Access to Justice Initiative at \$10,389,000 in her budget proposal. For the reasons outlined below, I urge the Council to increase Access to Justice funding by \$668,000 above the level the Mayor has proposed consistent with the funding level sought by the Access to Justice Commission.

For the past 51 years, Rising for Justice has served the District of Columbia as a non-profit legal services organization. Our mission is to leverage the collective forces of students and experienced advocates to achieve justice for all. Every year, we provide direct legal representation and social work support to thousands of DC residents who cannot afford counsel while training law students and social work students to represent indigent and low-income clients in our clinical education programs. We represent tenants at risk of eviction, as well as clients who are faced with civil protection orders that could seriously affect their ability to live in their homes and see their children. We also guide our clients through the record-sealing process so they can move past the stigma of having a criminal record.

The impact of the COVID-19 public health crisis on our clients has been truly overwhelming, and we need your continued support. Our clients are the most vulnerable to the financial hardship and trauma that the COVID-19 crisis is inflicting on our community. We expect an unprecedented demand for civil legal assistance as we emerge from the COVID-19 crisis. We anticipate new clients unexpectedly thrust into poverty who have never before faced these

types of problems. We know that there will be a huge influx of people who have lost their jobs and, as a consequence, are at risk of eviction. We anticipate a flood of people whose family members, roommates, and landlords have filed civil protection order cases against them during this crisis, and whose options for free legal representation are few and far between. We also are concerned about the number of people who will be overwhelmed with debt and desperately need our assistance.

Access to Justice funding enables us to help District residents who are experiencing sudden homelessness or being threatened with eviction in the midst of this global crisis. For example, we were contacted recently by a former client whose illegal eviction was successfully reversed last year. She had been forced out of her home overnight because her landlord obtained a temporary protection order banning her from the room she rented. We successfully restored her access to her home, and we are representing her in court to prevent her landlord from using the court system to circumvent the current eviction moratorium. Another client, with a very serious health condition that leaves her immunosuppressed and vulnerable, is facing eviction for non-payment of rent. Before the crisis, she was required to leave home to pay her monthly rent into the Court Registry in order to retain the right to eventually prove at trial that her landlord had failed to make much-needed repairs. After the pandemic hit, her only option was to leave her apartment to pay the monthly rent. In order to mitigate the risk of exposure, our client asked her landlord if she could hold onto the monthly payments until the crisis abated. Her landlord refused and filed a motion to strip her of her right to a trial. These examples are illustrative of the enormous challenges that confront our clients as a result of the pandemic. We are fighting to protect the constitutional and housing rights of these clients and many others throughout this crisis.

Thank you for your consideration of the D.C. Access to Justice Commission's FY21 budget request to ensure that District residents have access to the legal help they will need to participate fully in the District's recovery from this unprecedented crisis.



WHITMAN-WALKER HEALTH

Mailing Address:

Whitman-Walker Health
1337 R Street NW, Suite 200
Washington, DC 20009

BEFORE THE COUNCIL OF THE DISTRICT OF COLUMBIA COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY

JUNE 1 BUDGET OVERSIGHT HEARING Office of Victims Services and Justice Grants Monday June 15, 2020

Testimony of Amy Nelson, Director of Legal Services, Whitman-Walker Health

Good Afternoon, Chairperson Allen and Committee Members:

I am Director of Legal Services at Whitman-Walker Health (WWH or Whitman-Walker). I have held that position since January 2015. I joined Whitman-Walker as Supervising Attorney in September 2008. I offer these comments on behalf of Whitman-Walker in support of the Office of Victim Services and Justice Grants budget, and specifically, in support of the Access to Justice Initiative funding to support the provision of free legal services to some of DC's vulnerable community members.

WWH provides high quality, holistic health care and related services to more than 20,000 individuals, including over 13,000 DC residents – approximately 3,500 of whom are living with HIV. In 2019, 46% of our patients earned less than \$15,000 a year. Through our integrated model of care, we serve patients and clients from every Ward in the City at our four sites – LIZ (formerly the Elizabeth Taylor Medical Center) in Ward 2; our Northwest clinical site at 1525 14th Street NW, in Ward 2; our Youth Services site in Ward 6; and the Max Robinson Center in Ward 8.

WWH Legal Services is the nation's oldest medical-legal partnership. Established in 1986 to provide pro bono legal assistance on matters related to HIV/AIDS, the legal program has expanded to serve not only individuals living with HIV, but also LGBTQ individuals and families,

and patients of WWH regardless of their LGBTQ or HIV status. WWH Legal Services now provides advice and representation to nearly 3,000 clients annually on a range of issues including immigration; discrimination in employment, healthcare, education, and housing; federal and local public benefits; private health and disability insurance; preparation of wills and advance directives; medical confidentiality; debtors' rights; and name and gender marker changes in legal records for transgender individuals. WWH also partners with an extensive network of volunteer attorneys to provide pro bono placement on these matters. We are proud to be on the front lines of the District of Columbia's health care and access to justice support systems.

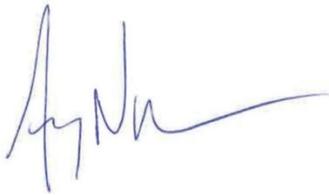
The Access to Justice Initiative money funds WWH's Legal Services Program in Ward 8 at the Max Robinson Center (MRC) – serving DC residents East of River and connecting them to resources they need to survive: assistance accessing prescription medications, medical care, food, and income support for housing and transportation. During the current pandemic emergency, our legal services are particularly important to DC residents seeking to access unemployment insurance, effectuate renter protections, and enroll in health insurance. We respond to the shocking income and health disparities in our SE clients compared to their NW counterparts by partnering with our medical and behavioral teams and other social service providers East of the River to provide holistic care to our clients.

Access to Justice funds also support our legal services for low and no-income DC transgender residents who make up 20% of all of our legal clients annually. DC's transgender and nonbinary communities face daily harassment, violence, and discrimination and our legal team fights for their rights in all settings – most notably in the workplace and public accommodations. Our legal team works diligently to overcome these health-harming legal needs and other social determinants of health that disproportionately harm our trans and nonbinary neighbors.

We appreciate the city's ongoing efforts to address the vast economic divide that infects this city and to address the racial health disparities we see every day. We urge the Council to continue supporting the Access to Justice Initiative funding and to work to close the \$668,000 gap in funding caused by recent pandemic related revenue shortfall. Legal services increase the capacity of the Districts residents to flourish and participate fully in the recovery of our vibrant city. Access to Justice Initiative funding is a reliable, proven, and efficient tool in this work.

Thank you for the opportunity to share our experience. Please let me know if we can provide any additional information or be of assistance to the Council in any other way.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Amy Nelson', with a long horizontal flourish extending to the right.

Amy Nelson
Director of Legal Services
Whitman-Walker Health
anelson@whitman-walker.org
(202) 939-7625